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Security and United States Immigration Policy

A dissertation submitted in partial satisfaction of the
Requirements for the degree of Doctor of Philosophy
in Political Science

by

Robbie James Totten

2012

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ABSTRACT OF THE DISSERTATION

Security and United States Immigration Policy

by

Robbie James Totten

Doctor of Philosophy in Political Science

University of California, Los Angeles, 2012

Professor Deborah Larson, Chair

What is the relationship between security and immigration to the U.S? How do security objectives factor into U.S. immigration policy? These questions are significant for the U.S. because the volume of international migration has been increasing in recent years and without sound policy planning immigration will serve as a source of conflict with foreign states, tax the ability of domestic systems to assimilate diverse peoples without violence, and expose citizens and immigrants to crime, contagious disease, and terrorism. This dissertation answers the above questions and presents the strategic logic for U.S. immigration policy by providing a typology of security policy objectives for America in this area. It identifies three general categories of security objectives that U.S. leaders have attempted to reach with immigration from the colonial era to the present-day: (1) domestic security (prevent crime, espionage, and terrorism; epidemics; and ethnic violence); (2) foreign relations; and (3) material and military interests. The analyses accompanying the categories draw from government documents, International Relations (IR) and security studies theories, legal statutes, primary sources such as private letters, and works by demographers and historians to specify the relationships amongst the security areas and immigration, identify the policy

instruments used by leaders to influence immigration for security, and present a large body of cases of historical U.S. immigration policies designed for security purposes. The dissertation discovers that security has played a much larger and wider role in U.S. immigration policy than extant studies recognize and its findings have significance for the IR discipline, the American Political Development (APD) subfield, and the interdisciplinary Migration field, as well as for assisting leaders in devising prudent policies that maximize citizen and immigrant safety.

The dissertation of Robbie James Totten is approved.

Marc Trachtenberg

Roger Waldinger

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2012

TABLE OF CONTENTS

Abstract	ii
Acknowledgements	vii
Vita	ix
Chapter 1. Introduction	1
a. Research Significance	
b. Definitions and Terminology	
c. Frameworks of Immigration Policy	
d. Scholarship on Security and Immigration and its Limitations	
e. Research Design and Methods	
f. Security Objectives and U.S. Immigration Policy	
g. Plan of Dissertation	
Chapter 2. Foreign Policy Objectives and U.S. Immigration Policy	49
a. Foreign Policy Objective: Foster, Improve, or Initiate Relationships with States	
b. Foreign Policy Objective: Punish Adversary States	
c. Foreign Policy Objective: Bargaining Chip	
d. Foreign Policy Objective: Seize Foreign Assets and Territory	
e. Summary	
Chapter 3. Material and Military Objectives and U.S. Immigration Policy	102
Part 1: Building Blocks of the Material and Military Power of a State	
a. Population and Material and Military State Strength	
b. Technology and Material and Military State Strength	
Part 2: Material and Military Objectives and U.S. Immigration Policy	
a. Material and Military Objective: Procure Foreign Manpower During War	
b. Material and Military Objective: Import Skilled Labor	
c. Material and Military Objective: Increase Population Size	
d. Summary	
Chapter 4. Domestic Security Objectives and U.S. Immigration Policy	158
Part 1: Epidemics and U.S. Immigration Policy	
a. Epidemics and Security in Historical Perspective	
b. Epidemics and State Security	
c. Domestic Security Immigration Policy Objective: Preventing Epidemics	

Part 2: Ethnic Violence and U.S. Immigration Policy	
a. Ethnic Violence in Historical Perspective	
b. Immigration, Ethnic Violence, and State Security	
c. Domestic Security Immigration Policy Objective: Preventing Ethnic Violence	
Part 3: Crime Espionage, and Terrorism and U.S. Immigration Policy	
a. Crime, Espionage, and Terrorism in Historical Perspective	
b. Crime, Espionage, and Terrorism and State Security	
c. Domestic Security Immigration Policy Objective: Preventing Crime, Espionage, and Terrorism	
Chapter 5. Conclusion	202
References	213

TABLES AND FIGURES

FIGURES

1.1 Security Objectives and U.S. Immigration Policy	40
---	----

TABLES

1.1. Foreign Policy Objectives and U.S. Immigration Policy	43, 52
1.2. Material and Military Objectives and U.S. Immigration Policy	45, 105
1.3. Domestic Security Objectives and U.S. Immigration Policy	47, 160

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Introduction

What is the relationship between security and immigration to the U.S? How do security objectives factor into U.S. immigration policies?¹ How have foreign policy considerations, material and military interests, and domestic security concerns such as crime, epidemics, espionage, ethnic violence, and terrorism contributed to the nation's immigration policy? How can leaders formulate immigration policies that safeguard citizens and immigrants?

These questions are important because the volume of international migration has been rapidly rising in recent years and if leaders do not understand the security dynamic of immigration policy they will leave citizens and immigrants vulnerable to security risks. Scholars of international politics such as George Kennan, Samuel Huntington, Paul Kennedy, Arthur Schlesinger, and Myron Weiner have labeled the implications from the increase in immigration the "global migration crisis" and predict that it may pose one of the greatest security challenges of the twenty-first century.² They have sounded alarms because without sound policy planning immigration will serve as a source of conflict or war with foreign states, tax the ability of domestic systems to assimilate diverse peoples without violence, and expose citizens and immigrants to crime, dangerous contagious disease, discrimination, and terrorism.

¹ The general area that my dissertation will analyze is U.S. immigration policy, which is defined here as a state's effort "to regulate and control entry into [its] national territory and to stipulate conditions of residence of persons seeking permanent settlement, temporary work, or political asylum." Gary Freeman, "Migration Policy and Politics in the Receiving States," *International Migration Review* 26 (Winter 1992): 1145. For definitions and explanations of permanent settlement, temporary work, and political asylum policies see Eytan Meyers, *International Immigration Policy: A Theoretical and Comparative Analysis* (New York: Palgrave Macmillan, 2004), 11.

² Huntington, "The West: Unique, Not Universal," *Foreign Affairs* 75 (1996): 28-46; Kennan, *Around the Cragged Hill: A Personal and Political Philosophy* (New York, 1993), 152; Kennedy, *Preparing for the Twenty-First Century* (New York: Vintage, 1993), 44; Schlesinger, *The Disuniting of America: Reflections on a Multicultural Society* (New York, 1992), 10; and Weiner, *The Global Migration Crisis: Challenge to States and to Human Rights* (New York: HarperCollins, 1995). See also the discussion in James F. Hollifield, "The Politics of International Migration, How Can We 'Bring the State Back In'?" in *Migration Theory, Talking Across Disciplines*, eds., Caroline B. Brettell and Hollifield (New York: Routledge, 2000), 139-141.

This dissertation will assist leaders with policy formation and scholars with future studies by detailing the relationship between security and U.S. immigration policy, identifying the policies and instruments used by American leaders to manipulate immigration for national security, and presenting a large body of cases of historical U.S. immigration policies designed for security purposes. This chapter describes how and why it will do this by (1) indentifying the importance of the research topic, (2) defining the policy area, (3) discussing the common analytical frameworks of immigration policy and their limitations for understanding the area, (4) describing and identifying the gaps in the extant literature on security and immigration, (5) explicating the research methodology of the dissertation, (6) adumbrating the relationship between domestic security, foreign policy, and material and military objectives and U.S. immigration policies, and (7) detailing the plan of the dissertation.

RESEARCH SIGNIFICANCE

There are five major reasons why a deeper understanding of immigration and U.S. security is important for policy makers and scholars. For one, immigration will likely play a large role in U.S. foreign relations and security in the twenty-first century because international migration has more than doubled in volume over the past four decades and authorized and unauthorized immigration to America has been steadily rising in the postwar period. Second, U.S. state and federal governments have increasingly passed legislation over the past three decades to address security issues arising over immigration and Congress seems poised to overhaul the immigration system in coming years, which will have significant diplomatic and security implications for the U.S. in coming decades. A better understanding of the area is urgently needed to assess existing policies, assist leaders with forming policies that protect citizens and immigrants, and ensure that officials do not use security as a guise to advance xenophobic and discriminatory policies. Third, despite the urgency of the policy

area, few extant studies detail the relationships amongst all of the areas of security and U.S. immigration policy so leaders lack guides and a rich bank of case studies in the area. Fourth, immigration is a global phenomenon that has existed for millennia and involves the exchange of people amongst sovereign political entities so it has relevance to many of the issues and theories in the security studies and international relations fields. And fifth, immigration scholars have long marginalized the role of security in their field, most likely because many are trained as economists and sociologists and consider it an excuse for xenophobic policies, which is unfortunate because security is major factor underlying state migration policies.

Immigration on the Rise

The scope and magnitude of international migration has rapidly accelerated in recent decades as movement across national borders has been facilitated by reduced transportation costs, high-speed modes of travel, global access to information, and a growing and robust web of social capital in the form of immigration networks.³ This is significant for U.S. security because America is one of the largest recipients of foreigners; and immigration affects foreign relations, adds or detracts from the size and skill of the labor pool available for material and military production, taxes the ability of U.S. social systems to assimilate diverse peoples without violence, and carries the risk of criminals, terrorists, or those carrying dangerous contagious diseases gaining admittance. Statistics and trends indicate that international migration will continue to increase in coming decades so the security challenges associated with immigration will likely amplify.

For example, the number of people living outside of the country of their birth or nationality increased from 85 million to 175 million from 1975 to 2000, with almost 190

³ For example, the trip from Liverpool to New York in 1900 took 7-10 days and cost approximately five pounds, roughly five percent of the average British male's annual salary during the time, whereas the same journey today takes less than twelve hours and costs only a fraction of the average man's annual salary in the developed world. Michael Nicholson, *International Relations: A Concise Introduction* (Basingstoke, Hampshire: Palgrave, 2002), 168.

million people, approximately three percent of the world population, residing outside of their birth country in 2005.⁴ The rise in international migration has occurred concurrently with a rapid increase in world population over the past millennium, with the global population consisting of 265 million people in the year 1000, 800 million people in the year 1750, and 6.3 billion people in the year 2000. It is estimated that if population growth continues to grow at its current pace of roughly 2 percent per year the world will be home to around 8.3 billion people in the year 2020.⁵ A larger world population and the likely arrival of new technologies that continue to facilitate international travel suggest that the volume of immigration will accelerate in coming decades.⁶

The U.S. is one of the largest recipients of immigrants and 20.1 percent of the world migrant population resides in America as of 2005, which represents a larger percentage of the global immigrant pool than that housed by the next four largest receiving nations combined.⁷ The number of authorized immigrants coming to the U.S. has been steadily increasing in the postwar period, from 2.5 million immigrants during the 1950-1959 decade to 3.2 million immigrants during the 1960-1969 decade, 4.2 million immigrants during the 1970-1979 decade, 6.2 million immigrants during the 1980-1989 decade, 9.8 million immigrants during the 1990-1999 decade, and 10.3 million immigrants during the 2000-2009 decade.⁸ As a

⁴ For these statistics see, Christopher Rudolph, *National Security and Immigration: Policy Development in the United States and Western Europe Since 1945* (Stanford, CA: Stanford University Press, 2006), 11; and the *New York Times* online edition, "Snapshot: Global Migration" interactive graph, at <http://topics.nytimes.com/top/reference/timestopics/subjects/i/immigration-and-emigration/index.html?scp=1-spot&sq=immigration&st=cse>, accessed May 22, 2010.

⁵ For these statistics, see Nicholson, *International Relations*, 185-186.

⁶ This assumes, of course, that states do not increasingly close their borders.

⁷ Approximately 19 percent of the world migrant population resided in the four largest immigrant-receiving nations after the U.S. As of 2005, 6.3 percent of the world migrants lived in Russia, 5.3 percent lived in Germany, 3.4 percent lived in France, and 3.3% lived in Saudi Arabia. For these statistics see the *New York Times* online edition, "Snapshot: Global Migration" interactive graph.

⁸ See the "Yearbook of Immigration Statistics: 2009," Table 1, on the U.S. Department of Homeland Security website, at <http://www.dhs.gov/files/statistics/publications/LPRO9.shtm>, accessed May 19, 2010.

result, by 2007 approximately one in eight people in the U.S. was born in another country and one in five children in America was the child of an immigrant.⁹ Legal immigrants represented 12.9 percent of the U.S. population in 2005, though even this sizeable figure under represents the extent to which the immigrant presence is perceived within the U.S. because recent immigrants tend to have significantly more children than those who came to the country during previous periods.¹⁰

America is also the recipient of a large number of unauthorized or “illegal” immigrants, whose numbers are not included in official migration data and have been steadily rising over the past few decades. As of the middle of the 2000-2009 decade, approximately 700,000 unauthorized immigrants entered the U.S. per year, with 57 percent of them arriving from Mexico, 24 percent of them from the rest of Latin America, and 13 percent of them from Africa, the Middle East, South Asia and the Pacific Rim.¹¹ Approximately 8.5 million unauthorized immigrants lived in the U.S. in 2000 and this number has been steadily increasing so that by 2008 approximately 11.9 million unauthorized immigrants resided in the country.¹² And today, for the first time in U.S. history, the number of unauthorized immigrants is larger than the number of authorized immigrants who live in America.¹³

⁹ This statistic is from Michael Fix, “Immigrant Integration and Comprehensive Immigration Reform: An Overview,” in *Securing the Future: US Immigrant Integration Policy, A Reader*, ed., idem (Washington, DC: Migration Policy Institute, 2007), iv. In regard to the immigrant presence in the American workforce, Fix explains that, “Over half of new workers in the 1990s were immigrants, and the foreign born compose very high shares of some occupations, accounting for one in five doctors in the United States, for example.” *Ibid.*, iv.

¹⁰ U.S. Bureau of Census figures indicate that the fertility rates of immigrants who have arrived in the country since 1970 are about 50 percent higher than those of the immigrants who came to the country prior to that year. See the *New York Times* online edition, “Snapshot: Global Migration,” at http://www.nytimes.com/ref/world/20070622_CAPEVERDE_GRAPHIC.html, accessed May 22, 2010; and Rudolph, *National Security and Immigration*, 12.

¹¹ These statistics are from, “The Borders We Deserve,” *New York Times* online edition, May 3, 2010, <http://www.nytimes.com/2010/05/03/opinion/03douthat.html>, accessed May 23, 2010.

¹² These statistics are from Marc R. Rosenblum, “Immigration and U.S. National Interests: Historical Cases and the Contemporary Debate,” in *Immigration Policy and Security: U.S., European, and Commonwealth Perspectives*, eds., Gary P. Freeman, Terri E. Givens, and David L. Leal (New York, Routledge, 2009), 5; and “Immigration and Emigration,” *New York Times* online edition, May 4, 2010, at <http://topics.nytimes.com/top/reference/timestopics/subjects/i/immigration-and-emigration/index.html?scp=1-spot&sq=immigration&st=cse>, accessed May 23, 2010.

The U.S. has also been the recipient of millions of forcibly displaced people over the past several decades from countries such as Bosnia, Columbia, Cuba, Guatemala, Haiti, Salvador, and Rwanda.¹⁴ For example, an estimated 6 million Cubans live in the U.S., many of whom came to America since 1959 fleeing the repression of the Fidel and Raul Castro regime; an estimated 1.5 million Salvadoran immigrants live in the U.S., many of whom came to America fleeing the civil war in their country from 1980 to 1992; and an estimated 1 million Guatemalan immigrants live in the U.S., many of whom came to the country fleeing the civil war in their country from 1960 to 1996.¹⁵ The U.S. as a global leader is likely to come under increasing pressure in the years ahead to find homes for displaced people because their numbers are rising—a recent tally found that worldwide there were 15.2 million refugees,

¹³ See *Ibid.*

¹⁴ The main categories of displaced people include asylum-seekers, internally displaced persons, refugees, and stateless persons. Asylum-seekers are “individuals who have sought international protection and whose claims for refugee status have not yet been determined.” Internally displaced people are “people or groups of individuals who have been forced to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural- or human-made disasters, and who have not crossed an international border.” Refugees are “individuals under the 1951 Convention relating to the Status of Refugees; its 1967 Protocol; the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; those recognized in accordance with the UNHCR Statute; individuals granted complementary forms of protection; or, those enjoying ‘temporary protection’.” Stateless persons are “individuals not considered as nationals by any State under national laws or who formally possess a nationality but where it is ineffective.” See The Office of the United Nations High Commissioner for Refugees, “2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons,” 5, at <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4a375c426&query=2008%20global%20trends>, accessed May 31, 2010.

¹⁵ An estimated 535,000 Haitians immigrants also live in the U.S as of 2008, many of whom began coming to the country in the 1980s following the civil discord occurring after the collapse of the Duvalier dictatorship. Sarah Gammage, “El Salvador: Despite End to Civil War, Emigration Continues,” *Migration Policy Institute*, July 2007, available at, <http://www.migrationinformation.org/Profiles/display.cfm?ID=636>, accessed May 25, 2010; James Smith, “Guatemala: Economic Migrants Replace Political Refugees,” *Migration Policy Institute*, April 2006, available at, <http://www.migrationinformation.org/feature/display.cfm?ID=392>, accessed May 25, 2010; Muzaffar Chishti and Claire Bergeron, “Haiti Tragedy Raises Important Immigration Issues for the United States,” *Migration Policy Institute*, February 16, 2010, available at <http://www.migrationinformation.org/USFocus/display.cfm?ID=771>, accessed May 25, 2010; and Aaron Terrazas, “Haitian Immigrants in the United States,” *Migration Policy Institute*, January 2010, available at, <http://www.migrationinformation.org/USfocus/display.cfm?id=770>, accessed May 25, 2010.

827,000 asylum-seekers, 26 million internally displaced persons (IDPs), and 6.6 million stateless people (though this number is estimated to be closer to 12 million people.)¹⁶

Forecasts and trends thus indicate that the U.S. will continue to receive increasing numbers of authorized and unauthorized immigrants as well as forcibly displaced people in coming years. A better understanding of security and immigration is urgently needed to assist leaders with policy responses because, as discussed shortly, there is a dearth of policy relevant studies in the area.

Increased Policy Activity:

Policy makers have increasingly devised legislation in recent decades on security grounds and Congress has since 2005 come close to overhauling the immigration system in response to the perceived dangers of terrorism and unauthorized immigration. A greater understanding of the security dynamic of U.S. immigration is required to assess existing policies and assist with forming new policies that are fair and safe for citizens and immigrants.

The major pieces of immigration legislation since 1980 reveal the large role that security has played in the policy area. The Immigration Reform and Control Act of 1986 (IRCA) was created to limit security risks associated with unauthorized immigration by making it illegal for an employer to knowingly recruit undocumented immigrants, requiring employers to attest to the immigration status of their workers, and granting amnesty to unauthorized immigrants who already lived in the country. The Immigration Act of 1990, the first major

¹⁶ For example, the U.S. took in 60,200 refugees during the fiscal year ending 2008, the most out of any country in the world during the period. The U.S. also naturalized more than 700,000 refugees over the past decade, which accounts for two-thirds of the worldwide refugees granted citizenry by host countries during the period. The U.S. also received 49,600 new asylum applications in 2008, the second most out of any country in the world. The United Nations High Commissioner for Refugees has similarly recently remarked that, "Forced population displacement has grown in size and complexity in recent years." And the number of displaced people in South America reached its highest number on record in 2008, mostly because of internal violence in Columbia, and the U.S. as regional leader should assist with finding living solutions for them. United Nations High Commissioner for Refugees, "2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons," 3, 12, 15 available at, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4a375c426&query=2008%20global%20trends>, accessed May 24, 2010.

“main-gate” law in twenty-five years, strengthened border control to prevent entrance of criminals and terrorists and created over 100,000 temporary and permanent employment visas for specialized labor so America could remain competitive in the international system. And California voters passed Proposition 187 by referendum in 1994 that attempted to reduce security risks associated with unauthorized immigration by requiring state workers to verify a person's immigration status, report undocumented immigrants to authorities, and deny unauthorized immigrants benefits.

Legislative activity regarding immigration has intensified following the terrorist events of September 11, 2001, which were carried out primarily by foreign nationals who came to the U.S. on temporary visas. Congress attempted in 2005-2007 to reach bi-partisan agreement on comprehensive immigration reform.¹⁷ The Senate filed three bills during 2005 that sought to improve border security, procure immigrants with skills important for the national interest, and establish a program to legalize undocumented immigrants. The House passed H.R.4437 that sought to improve border security, restrict access to courts for unauthorized immigrants, and turn civil immigration violations into felony criminal offenses. A compromise bill was offered on the Senate floor in May 2007, but after nine days of debate agreement could not be reached.¹⁸ The legislation ignited an emotional debate throughout the country and Latinos in April 2006 organized a day of protests in more than 100 cities, including a march of more than 500,000 people in Los Angeles.¹⁹

Congress passed in place of major immigration legislation the Secure Fence Act in 2008 that allows for an estimated 850 miles of double-layered fencing and other border

¹⁷ President George W. Bush encouraged Congress to reform immigration policy. This section is based on the summary of the 2005-2007 immigration legislation in Rosenblum, “Immigration and U.S. National Interests,” in *Immigration Policy and Security*, eds., Givens, Freeman, and Leal, 20-27.

¹⁸ This was the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

¹⁹ “Fools Rush In,” *The Economist*, May 8, 2010, 14.

infrastructure along the southwestern U.S.-Mexico border.²⁰ Officials at the Immigration and Customs Enforcement, a branch of the Department of Homeland Security, also increased raids and deported nearly 350,000 immigrants during the 2008 fiscal year.²¹ And in the absence of federal legislation, state governments passed 428 laws and 131 resolutions in 2008 and 2009 primarily to address immigration security issues.²²

More recently, Arizona passed a law in April 2010 that has received national attention by making it a crime for an immigrant to fail to carry documents and allowing police to detain anyone suspected of living in the country without authorization.²³ “Proponents and critics alike [have] said [that the law] was the broadest and strictest immigration measure in generations,” with those in favor of the legislation arguing that its passage was paramount for security since Arizona registers the highest number of drug seizures and arrests of unauthorized border crossers out of any state, a risk which just a few weeks prior to the passing of the legislation was illustrated by a rancher in southern Arizona who was killed by a suspected smuggler.²⁴ But those opposed to it fear that it will lead to harassment and

²⁰ See Blas Nuñez-Neto and Michael John Garcia, “Border Security: The San Diego Fence,” *Congressional Research Service*, May 23, 2007, 6, available at, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA469083&Location=U2&doc=GetTRDoc.pdf>, accessed May 27, 2010; and Rosenblum, “Immigration and U.S. National Interests,” in *Immigration Policy and Security*, eds., Givens, Freeman, and Leal, 13.

²¹ “Immigration and Emigration,” the *New York Times* online edition, May 26, 2010, at <http://topics.nytimes.com/top/reference/timestopics/subjects/i/immigration-and-emigration/index.html?scp=1-spot&sq=immigration&st=cse>, accessed May 31, 2010.

²² These laws and resolutions were passed in 48 states. Most of these new laws are designed to stop unauthorized immigration, such as through denying undocumented immigrants access to driver’s licenses and other public benefits, though some states have attempted to assist immigrants through creating programs to help them learn English. Randal C. Archibold, “Arizona Enacts Stringent Law on Immigration,” *New York Times*, April 23, 2010, at <http://www.nytimes.com/2010/04/24/us/politics/24immig.html>, accessed May 31, 2010; and “Immigration and Emigration,” the *New York Times* online edition, May 26, 2010.

²³ It is called “The Support Our Law Enforcement and Safe Neighborhoods Act.” See “Immigration Bill Reflects a Firebrand’s Impact,” April 19, 2010, *New York Times* online edition, at <http://www.nytimes.com/2010/04/20/us/20immig.html>, accessed May 31, 2010.

²⁴ Archibold, “Arizona Enacts Stringent Law on Immigration,” April 23, 2010, at <http://www.nytimes.com/2010/04/24/us/politics/24immig.html>, accessed May 31, 2010. The Governor of Arizona explained that the law “provides an indispensable tool for the police in a border state that is a leading magnet of illegal immigration.” State Representative John Kavanagh defended the strict Arizona law in comparison to the less stringent policies used by New Mexico by asking, “If a burglar breaks into your home, do you serve him

discrimination of Hispanics, with President Barack Obama arguing that the measure will “undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and our communities that is so crucial to keeping us safe.”²⁵

The legislation sparked an emotional debate across the country and marches over immigration reminiscent of those in 2006 have started again with one million people publicly protesting the measure on May 1, 2010.²⁶ Jan Brewer, the Arizona governor, has argued that her state was forced to take action to “solve a crisis we did not create and the federal government has refused to fix,” and a recent New York Times poll indicates that most Americans agree with her on this point.²⁷ It finds that 75 percent of Americans believe that the federal government needs to take more steps to enhance border security and that the U.S. immigration system requires fundamental changes or complete rebuilding.²⁸ Senate majority leader, Harry Reid of Nevada, agreed and declared that the “system is broken” and action is needed, indicating that Congress may again soon attempt comprehensive reform.²⁹

U.S. leaders have thus passed several pieces of important immigration legislation in recent decades on security grounds and seem poised to revamp the immigration system in coming years. A greater understanding of the relationship between security and immigration

dinner?” That is pretty much what they do there with illegals.” See *Ibid.* and Archibold, “Side by Side, but Divided Over Immigration,” *New York Times* online edition, May 11, 2010, at <http://www.nytimes.com/2010/05/12/us/12newmexico.html>, accessed May 31, 2010.

²⁵ Archibold, “Arizona Enacts Stringent Law on Immigration,” *New York Times* online edition, April 23, 2010. The Mexican American Legal Defense and Educational Fund released a statement arguing that the law would create “a spiral of pervasive fear, community distrust, increased crime and costly litigation, with nationwide repercussions.” Quoted in *Ibid.*

²⁶ “Fools Rush In,” *The Economist*, May 8, 2010, 14.

²⁷ Quoted in Archibold, “Arizona Enacts Stringent Law on Immigration,” *New York Times* online edition, April 23, 2010.

²⁸ Archibold and Megan Thee-Brenan, “Poll Shows Most in U.S. Want Overhaul of Immigration Laws,” *New York Times* online edition, May 3, 2010, at <http://www.nytimes.com/2010/05/04/us/04poll.html>, accessed May 31, 2010.

²⁹ Archibold, “Arizona Enacts Stringent Law on Immigration,” *New York Times* online edition, April 23, 2010.

is urgently needed to evaluate legislation in the area, ensure that officials do not use security to advance xenophobic agendas, and assist leaders in formulating new policies.

Few Policy Relevant Analyses and Case Studies in the Area

Despite the urgency of the policy area, leaders lack studies that discuss the full spectrum of security issues relevant to immigration and identify policy options in the area. They also lack a rich bank of historical case studies to assist with forming policies that protect citizens and immigrants.

This is likely the case because many analysts consider the security issues over immigration as constituting a “new” problem arising from unauthorized immigration and the September 11, 2001 attacks, a view reinforced by academics because they focus primarily on policy events occurring from recent decades in their studies. Scholars have also only begun to explore the relationship between security and immigration and they have primarily focused on its foreign relations component while neglecting its domestic security and material and military components.³⁰ For these reasons, leaders lack complete overviews of the policy area as well as a deep cache of case studies in the area to assist with policy formation—a particularly dangerous situation that requires correcting given the contemporary importance of the policy area to human security. Without such research, leaders will likely leave citizens and immigrants exposed to security risks.³¹

Immigration and the International Relations Field

A richer understanding of the relationship between security and immigration for a great power such as the U.S. can shed insight into debates, issues, and theories in the international relations (IR) and security studies fields. Immigration is important to the IR

³⁰ See the literature review in this chapter.

³¹ The good news is that the few empirical studies of U.S. immigration policy events that have remained sensitive to security variables reveal a deep and largely untapped reservoir of cases through American history for use in composing policy guides. See the literature review in this chapter.

discipline because the traditional core of the field focuses on the interaction of sovereign states in the global system and each act of international migration entails the exchange of citizens from one state to that of another state.³² There are approximately 200 states in the international system and nearly everyone on Earth is a citizen of one of these states so the movement of humans across national borders is one of the most intimate and frequent ways in which many states come into contact with one another.

The field of international relations has expanded over time to examine the roles of actors in the international community other than sovereign states, but immigration is also relevant for these areas of the discipline because it is a policy focus of many non-state entities.³³ For example, international governmental organizations (IGOs) such as the International Refugee Organization and the International Organization for Migration focus on immigration. Similarly, non-governmental organizations (NGOs) and international non-governmental organizations (INGOs), such as the American Immigration Council, American Immigration Lawyers Association, the National Immigration Forum, and Refugees International also focus on immigration. And multinational corporations (MNCs) frequently confront immigration issues when employing foreign workers because to do so often requires navigating the visa regulations of the states in which their employees are citizens.

The ways and manner in which states interact over immigration also provide for excellent case studies to assess the major theories and traditions of thought in the IR field

³² Robert Jackson and Georg Sorensen, *Introduction to International Relations: Theories and Approaches*, 3rd ed. (Oxford, UK: Oxford University Press, 2007), 2, 30. On the historiography of the IR field, Miles Kahler, "Inventing International Relations: International Relations after 1945," in *New Thinking in International Relations Theory*, eds., Michael W. Doyle and John Ikenberry (Boulder, CO: Westview, 1997), 20-54; Brian C. Schmidt, "On the History and Historiography of International Relations," in *Handbook of International Relations*, eds., Walter Carlsnaes, Thomas Risse, and Beth A. Simmons (London: SAGE Publications, 2002), 3-22; and Schmidt, *The Political Discourse of Anarchy: A Disciplinary History of International Relations* (Albany, NY: SUNY Press, 1998).

³³ On the importance of non-state actors in international relations, see, for example, Nicholson, *International Relations: A Concise Introduction*, 34-49; Thomas Risse, "Transnational Actors and World Politics," in *Handbook of International Relations*, eds., Carlsnaes, Risse, and Simmons, 255-274; and Beth A. Simmons and Lisa L. Martin, "International Organizations and Institutions," in *ibid.*, 192-211.

such as constructivism, the English School, liberalism, and realism.³⁴ The purpose of these and other theories and traditions in the IR discipline is to serve as conceptual tools which help make sense of the international system and identify overall patterns in world politics—they assist with systematically thinking about international relations by illuminating which facts are important and which facts are unimportant about global politics. Immigration policy events provide for superb cases to assess and test the explanatory value of these frameworks in describing international politics because nearly every state is involved in its process and it has been part of global politics for millennia.³⁵ For example, realists are concerned with state borders and sovereignty and liberalists are concerned with the openness of the international system and with the flow of goods and ideas so examining state migration policies over time and across states with these viewpoints in mind can shed insight into these two perspectives of the world system.

Immigration can also provide insight into many contemporary concepts, debates, and issues in the IR and security studies fields. For example, research on immigration will provide insight into many policy issues in these fields, such as those related to border security, demographic change, diasporas, drug smuggling, epidemics (including influenza), human trafficking, ethnic violence, refugees, terrorism, and U.S. foreign relations with the states from which it receives immigrants. Immigration is similarly germane to common debates on

³⁴ Broadly speaking, realists view sovereign states as the principal actors in international relations and argue that the primary concern of states is security and survival because the global system is anarchic; liberalists see a multitude of actors in international relations including sovereign states as well as global associations, corporations, and organizations and they view world politics as an endeavor that features both cooperation and conflict; scholars of the International Society school of thought see international relations as consisting of a “society” of states in which the principal actors are diplomats in a global political arena that features elements of anarchy and power politics, society and international law, and humanitarianism, justice, and human rights; and constructivists emphasize the importance of human awareness and consciousness in international relations and view the international system as consisting of ideas rather than material forces. See, for example, Scott Burchill, Andrew Linklater, Richard Devetak, Jack Donnelly, Matthew Paterson, Christian Reus-Smit, and Jacqui True, *Theories of International Relations*, 3rd ed. (New York: Palgrave MacMillan, 2005); Jackson and Sorenson, *Introduction to International Relations*, 59-177; and Nicholson, *International Relations*, 90-127.

³⁵ And vice versa, applying IR frameworks to the immigration policies of states may uncover unseen motivations underlying the decisions of leaders in this policy realm. On historical methods and international politics, Marc Trachtenberg, *Craft of International History: A Guide to Method* (Princeton, NJ: Princeton University Press, 2006).

international politics, such as the one by IR scholars on globalization and state sovereignty, which has centered on whether the seemingly inexorable movement of goods, ideas, and people across borders in recent decades has undermined the ability of a state to maintain external independence and domestic authority.³⁶ And immigration can provide insight into debates within the discipline, such as the post-Cold War discussion over the boundaries of the field, most notably because it constitutes a “non-traditional” area of security studies, with some scholars arguing that the discipline should continue to focus primarily on the military dimensions of security while other scholars have argued that the field should be broadened to include areas such as immigration.³⁷

Nevertheless, despite its potential value to the discipline, immigration is an international phenomenon that is surprisingly absent from introductory IR texts and has been the subject of few analyses by IR and security studies scholars.³⁸ An examination of security and U.S. immigration policy will illuminate the relevance of the policy area for these disciplines and provide insight into many of the debates, issues, and theories within the fields.

³⁶ See, for example, Jackson and Sorenson, *Introduction to International Relations*, 265-270; Robert Jackson, ed., *Sovereignty at the Millennium* (Malden, MA: Blackwell Publishers, 1999); Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton University Press, 1999); and Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996).

³⁷ See, for example, Barry Buzan, Ole Waever, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder, CO: Lynne Rienner Publishers, Inc., 1998); Keith Krause and Michael C. Williams, “Broadening the Agenda of Security Studies: Politics and Methods,” *Mershon International Studies Review* 40 (1996): 229-254; and Stephen M. Walt, “The Renaissance of Security Studies,” *International Studies Quarterly* 35 (1991): 211-239. Regarding the historiography of the IR field, Weiner comments that many scholars in the discipline treat “immigration as a peripheral concern because only phenomena affecting questions of war and peace are important to the analysis of international relations. What is most troubling about the long indifference of students of international security to international migration is that the international movement of people clearly had importantly affected questions of peace and war long before 1990. Weiner “International Migration and Global Security,” in *International Migration and Security*, ed., idem (Boulder, CO: Westview Press, 1993), 24.

³⁸ See the literature review in this chapter.

Security and Immigration Studies

Security is one of the least studied major components of immigration policy in immigration studies, which is peculiar because domestic and foreign threats likely play a substantial role in the formation of state immigration policies. Even scholars who focus on the security components of immigration often reach a similar conclusion as those working in other theoretical traditions, which is that security is a force that affects state migration policies primarily at the fringes.³⁹ But this is a premature conclusion based largely on historical studies of American immigration policy that did not focus on security in their examinations of the area. The handful of extant, empirically rich studies that do examine the role of security in the policy area indicate that it has factored into U.S. immigration policy much more than is commonly recognized and that further investigation is in order.⁴⁰

One reason for this bias in the literature is that many migration scholars are trained as sociologists and tend to assume that leaders use security issues as excuses or rationalizations to advance xenophobic immigration policies.⁴¹ It is rarely considered that perhaps security is what is driving leaders to devise racist immigration policies or (and more likely the case) that security and xenophobia are intricately tied together when leaders formulate legislation. For example, John Higham superbly details the “nativist” or xenophobic strain of thought in U.S. immigration policy in his seminal work in the area, but in order to do so large parts of his analysis also reveal that security concerns were closely tied to anti-immigrant policies. He argues, for instance, that nativism was a primary reason for the creation of the 1920s Quota Acts, the most restrictionist legislation in American history, but he also shows that fear over

³⁹ See, for example, Rosenblum, “Immigration and U.S. National Interests,” in *Immigration Policy and Security*, eds., Givens, Freeman, and Leal, 15.

⁴⁰ See the literature review in this chapter.

⁴¹ See, for example, Didier Bigo, “Security and Immigration: Toward a Critique of the Governmentality of Unease,” *Alternatives* 27 (2002): 63-92; and Ayse Ceyhan and Anastassia Tsoukala, “The Securitization of Migration in Western Societies: Ambivalent Discourses and Policies,” *Alternatives* 27 (2002): 21-39.

the large number of terrorist attacks by anarchists that had been occurring factored into the acts.⁴² As this example illustrates, security and xenophobia present a classic chicken and egg problem for those seeking to understand immigration policy: Do security fears (terrorism in this example) motivate leaders to form “nativist” policies? Or do leaders hide racist motives behind “security” policies? Or are security and xenophobia closely linked together when leaders form immigration policies?⁴³

Still other scholars marginalize the role of security in human migration because they understandably fear that danger exists in “over-securitizing” immigration and that drawing attention to the area results in hysteria and poor policy choices.⁴⁴ But danger also exists in failing to methodically identify the security risks of international migration because without sound planning immigration can serve as a source of conflict or war in foreign relations, tax the ability of domestic systems to assimilate diverse peoples without violence, and expose citizens and immigrants to crime, dangerous contagious disease, discrimination, and terrorism. Weiner aptly notes that, “It is essential that [security] fears not be summarily dismissed as xenophobic, racist, paranoid, and an inhumane response to those who seek asylum or a better life for themselves and their children. Fears often do have a basis in reality, and whether they do or do not, fears shape the way peoples and their governments behave.” Security, whether perceived or “real,” has factored into U.S. policies for over two hundred years so the most sensible path to helping officials create fair and safe policies for American citizens and immigrants is to achieve greater understanding in the area.

⁴² John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick: Rutgers University Press, 1955), 308-311.

⁴³ This is more than an academic debate: we need to understand the source of discriminatory immigration policies to take measures to prevent them from happening again. For example, if leaders are forming prejudiced policies because they are inherently racist then we need to take steps to make sure that such officials do not get in positions of power, but if leaders are forming discriminatory policies because they are scared and reacting to real or perceived security threats then we need to devise measures to address these fears and risks and create assurances that they do not necessitate immigration policies that violate human rights.

⁴⁴ See Bigo, “Security and Immigration,” 63-92; and Ceyhan and Tsoukala, “The Securitization of Migration in Western Societies,” 21-39.

DEFINITIONS AND TERMINOLOGY

Human migration is an ancient phenomenon that has been described since people began to write down their history and it refers to the action taken by people “as they move from one geographic point to another geographic point.”⁴⁵ A type of migration is international migration, which occurs when people move across national boundaries; it began with the emergence of the modern nation-state system typically dated to the Treaty of Westphalia in 1648. Nations-states began to develop immigration policies, such as passports and visa systems that attempted to keep out those considered hostile shortly after international migration movements commenced. Over the past two centuries states have developed policies in addition to mechanisms which simply accept or turn away foreigners, such as programs to temporarily import foreign workers and provide political asylum to those persecuted in other nations.⁴⁶ Immigration policy as defined in this study therefore includes the entirety of the efforts of a state to “regulate...entry into the national territory and to stipulate conditions of residence of persons seeking permanent settlement, temporary work or political asylum.”⁴⁷ Please note that the efforts by leaders to prevent the entrance of unauthorized immigrants as well as regulate immigrants once they are in the U.S. are included in this definition.

⁴⁵ Migration includes internal migration (within a nation) and international migration (from one nation to another nation). Andreas Demuth, “Some Conceptual Thoughts on Migration Research,” in *Theoretical and Methodological Issues in Migration Research: Interdisciplinary, Intergeneration and International Perspectives*, ed., Biko Agozino (Aldershot, U.K.: Ashgate, 2000), 26. Moses led his people from Egypt to Canaan during ancient times and the Jews in Palestine were forced to migrate to Mesopotamia, Persia, Greece, North Africa, and Europe during the first century. Weiner, *The Global Migration Crisis*, 21.

⁴⁶ See Jane Caplan and John Torpey, eds., *Documenting Individual Identity: The Development of State Practices in the Modern World* (Princeton, NJ: Princeton University Press, 2001); Hollifield, “The Politics of International Migration,” in *Migration Theory, Talking Across Disciplines*, eds., Brettell and Hollifield, 140; Leslie Moch, *Moving Europeans: Migration in Western Europe since 1650* (Bloomington: Indiana University Press, 1992); John Torpey, “Coming and Going: On the State’s Monopolization of the Legitimate ‘Means of Movement,’” *Sociological Theory* 16 (November 1998): 239-259; and idem, *The Invention of the Passport: Surveillance, Citizenship, and the State* (Cambridge, UK: Cambridge University Press, 2000);

⁴⁷ Gary Freeman, “Migration Policy and Politics in the Receiving States,” *International Migration Review* 26 (Winter 1992): 1145.

FRAMEWORKS OF IMMIGRATION POLICY

Scholars have devised analytical frameworks that have attempted to explain patterns of international migration for at least a century, but they have only begun in the past thirty years to devote significant attention to explaining the immigration policies of states, most likely as a result of the increased flow of migration in recent decades.⁴⁸ Many variables have been proposed to explain immigration policy, such as the media, public opinion, party factions, the judiciary branch, business groups, and elites, to name but a few of the factors hypothesized to underlie the policy area.⁴⁹ Nevertheless, despite its obvious global dimension, immigration policy remains predominately explored by academic fields other than the IR discipline.⁵⁰ Before turning to the extant literature on security and immigration, this section will describe and identify limitations of the popular explanations and models of the migration policies of states, which are classifiable into four broad categories: cultural and

⁴⁸ On frameworks of international migration, see Wayne A. Cornelius and Marc R. Rosenblum, "Immigration and Politics," *Annual Review of Political Science* 8 (June 2005): 99-119; Douglas S. Massey, Joaquin Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino, and J. Edward Taylor, "Theories of International Migration: A Review and Appraisal," *Population and Development Review* 19 (September 1993): 431-466; idem, "An Evaluation of International Migration Theory: The North American Case," *Population and Development Review* 4 (December 1994): 699-751. Theories which purport to explain international migration are distinct from theories which purport to explain a nation's immigration policy. See the discussion in Hollifield, "The Politics of International Migration," in *Migration Theory, Talking Across Disciplines*, eds., Brettell and Hollifield, 144, 146. Commenting on the increasing attention drawn to the policy area following the Cold War, one immigration scholar notes that, "Migration and refugee issues have, in recent years, moved from low to high politics, occupying the agendas of heads of states and foreign ministers in industrial states with increasing frequency." Alan Kessler, "International Trade, Domestic Coalitions, and the Political Economy of Immigration Control," Unpublished Doctoral dissertation, University of California, Los Angeles, 1999, 6n.

⁴⁹ See, for example, the various factors hypothesized to underlie a state's immigration policy by Leonie Hardcastle, Andrew Parkin, Alan Simmons, and Nobuaki Suyama, "The Making of Immigration and Refugee Policy: Politicians, Bureaucrats and Citizens," in *Immigration and Refugee Policy, Australia and Canada Compared*, eds., Howard Adelman, Allan Borowski, Meyer Burstein, and Lois Foster, 2 vols. (Toronto: University of Toronto Press, 1994), 1:95-125; and Marie Kabala, "Immigration as Public Policy," in James Jupp and Marie Kabala, eds., *The Politics of Australian Immigration* (Canberra, Australia: Australian Government Publishing Service, 1993), 3-23.

⁵⁰ Kessler, "Political Economy of Immigration Control," 4; Jeanette Money, "No Vacancy: The Political Geography of Immigration Control in Advanced Industrial Democracies," *International Organization* 51 (September 1997): 686.

national identity, economic, social and interest group, and institutional frameworks of immigration policy.⁵¹

Cultural and National Identity Frameworks of Immigration Policy

Scholars working in this tradition focus on cultural variables, such as ethnicity, citizenship, rights, and national identity to explain the immigration policy of a state. A cultural variable is an idea deeply entrenched in society; a value so strongly held by citizens that it affects the policy choices of a nation.⁵² Immigration policy, according to this framework, is therefore derived primarily from how a “country regards itself—its own national mythology” or what Roger Brubaker has referred to as the “idioms of nationhood,” with some cultural traits encouraging openness to immigrants and other cultural traits encouraging close-minded views toward immigrants.⁵³ One immigration scholar, for example, explains that “dominant racial and national ideologies, defining who belongs and who does not belong to a national community...influence who is admitted.”⁵⁴

Accordingly, scholars in this tradition often focus on the role of racism and xenophobia in immigration policy formation. Higham, for example, argues that “nativism,” or a cultural antipathy to foreigners which pervades society, has led America at times to close its borders to certain groups of outsiders.⁵⁵ Similarly, another group of scholars argues that elites are

⁵¹ Some of the analytical frameworks presented in this section combine factors from two or more of these groups and thus they do not fit neatly in a category. Ultimately, the category which is determined most fitting for a theory reflects the author’s opinion.

⁵² Margaret Weir, *Politics and Jobs: The Boundaries of Employment Policy in the United States* (Princeton, NJ: Princeton University Press, 1992), 13-14.

⁵³ See the discussions in Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992); Jeannette Money, *Fences and Neighbors: The Political Geography of Immigration Control* (Ithaca, N.Y.: Cornell University Press, 1999), 29; Rudolph, *National Security and Immigration*, 21; and Peter Stalker, *The Work of Strangers: A Survey of International Labour Migration* (Geneva, Switzerland: International Labour Office, 1994), 138.

⁵⁴ Helga Leitner, “International Migration and the Politics of Admission and Exclusion in Postwar Europe,” *Political Geography*, 14 (April 1995): 262.

⁵⁵ Higham, *Strangers in the Land*.

responsible for discriminatory policies because they mobilize the support of citizens in a polity to support their xenophobic immigration agendas.⁵⁶

Still other scholars who work in this tradition argue that cultural variables affect immigration policy through how a society defines citizenship or how a nation defines who belongs to its polity. Aristide Zolberg, for example, has written that a nation's immigration policy varies "as a function of the character of the receiving society. A highly...ethnically undiversified nation...may have a lower threshold of tolerance than a more heterogeneous one, whose identity may have come to be founded on political rather than ethnic criteria."⁵⁷ Accordingly, immigration scholars have argued that in nations who define citizenship based on a common ethnicity, history, language, and religion, as is common in many European nations, there is a low tolerance to immigrants; but in nations whose identity has been created by large waves of immigrants, as is the case with Australia and the U.S., citizenship is often based on civic values of participation and consequently these nations have a greater openness to immigrants.⁵⁸

Another approach in this academic tradition has been called the rights-based or liberal state theory. It proposes that over the course of the twentieth century immigrants have gained civil, political, and social rights that limit the ability of liberal states such as the U.S. to restrict immigration.⁵⁹ For example, James Hollifield, a leading proponent of this theory,

⁵⁶ Bob Carter, Marci Green, and Rick Halpern, "Immigration Policy and the Racialization of Migrant Labour: The Construction of National Identities in the USA and Britain," *Ethnic and Racial Studies* 19 (1996). See also the discussion in Rudolph, *National Security and Immigration*, 21-22.

⁵⁷ Zolberg, "International Migrations in Political Perspective," in *Global Trends in Migration*, eds., M. Kritz, C.B. Keely, and S.M. Tomasi (New York: Center for Migration Studies, 1981), 16.

⁵⁸ See the discussions in William Brubaker, ed., *Immigration and the Politics of Citizenship in Europe and North America* (Lanham: University Press of America, 1989), 7; Leitner, "International Migration and the Politics of Admission and Exclusion in Postwar Europe," 262-263, 267; Dietrich Thranhardt, ed., *Europe, A New Immigration Continent, Policies and Politics in Comparative Perspective*, 2nd edition (Munster: Lit, 1996); Doris Meissner, "Managing Migrations," *Foreign Policy* 86 (Spring, 1992): 70-71; and Money, *Fences and Neighbors*, 28.

⁵⁹ See the discussions in Debra DeLaet, *U.S. Immigration Policy in an Age of Rights* (Westport, CT: Praeger, 2000), esp. chapter 1; Hollifield, "The Politics of International Migration," in *Migration Theory, Talking Across*

argues that for this reason “the capacity of liberal states to control immigration is constrained by laws and institutions.”⁶⁰ Consequently, immigration policy in the U.S. tends to be open in all types of economic, social, and political climates because of the value that a liberal democracy such as the U.S. places on individual rights.⁶¹

Though appealing, there are several reasons why the liberal-rights and other types of cultural models are inadequate to describe American immigration policies. For one, rubrics that focus on racism as a determinant of U.S. immigration policy are not able to account for when xenophobic tendencies are likely to manifest in restrictionist policies, nor can they account for the fact that America has a long history of “open” immigration policies. Conversely, theories that focus on how America defines citizenship and argue that the U.S. will favor an “open” policy because of its immigrant past and identity cannot account for the often abrupt and harsh restrictionist turns in the country’s history. The “liberal-rights” theory, moreover, only purports to describe postwar U.S. policy and similar to all of the cultural frameworks described in this section focuses broadly on whether America’s immigration stance is “open” or “closed.”⁶² And finally, the frameworks in this tradition also assume that American culture and identity is rigid, but societal identities are perpetually “imagined” by members of a polity and therefore subject to change.⁶³

Disciplines, eds., Brettell and Hollifield, 146-150; idem, *Immigrants, Markets, and States, The Political Economy of Postwar Europe* (Cambridge, MA: Harvard University Press, 1992), esp. 27-41; idem, “Migration, Trade, and the Nation-State: The Myth of Globalization,” *UCLA Journal of International Law and Foreign Affairs*, 3 (Fall/Winter 1998): 595-636; David Jacobson, *Rights Across Borders: Immigration and the Decline of Citizenship* (Baltimore, MA: Johns Hopkins University Press, 1996); and Yasemin Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago, IL: Chicago University Press, 1994).

⁶⁰ Hollifield, “The Politics of International Migration,” in *Migration Theory, Talking Across Disciplines*, eds., Brettell and Hollifield, 150.

⁶¹ Gary P. Freeman, “Political Science and Comparative Immigration Politics,” in *International Migration Research: Constructions, Omissions, and the Promise of Interdisciplinarity*, eds., Michael Bommers and Ewa Morawska (Aldershot, Hants, England; Ashgate, 2005), 120-121.

⁶² Rudolph, *National Security and Immigration*, 22.

⁶³ Benedict Anderson, *Imagined Communities* (London: Verso, 1983); and Rudolph, *National Security and Immigration*, 22.

Economic Frameworks of Immigration Policy

It is often believed that the underlying state of the economy affects a state's immigration policy. As Daniel Tichenor notes, "Models of economic causation dominate popular and scholarly accounts of immigration politics and policy in the United States and other Western liberal democracies. For many analysts, the causes underlying variation in the immigration policies of receiving countries fundamentally reside in the state of their respective economies."⁶⁴ Economic models of immigration policy are commonly based on principles of supply and demand and are frequently presented in the migration literature within a "push-pull" rubric.⁶⁵ For example, they often assume that citizens will be "pushed" to emigrate from states with unfavorable economies and that immigrants will be drawn or "pulled" toward states with favorable economies. Correspondingly, a state's policy will reflect its labor needs, with nations opening their doors during booming economies to accommodate the increased worker demand and nations closing their doors during stagnant economies to protect the jobs of domestic laborers.⁶⁶

Other scholars working in the economic tradition take a Marxist or class-based approach to explaining immigration policy.⁶⁷ These frameworks view the policy area as controlled by employers because of their advantaged position in capitalist societies and they

⁶⁴ Daniel Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton, NJ: Princeton University Press, 2002), 20.

⁶⁵ For "push-pull" model see, for example, Brinley Thomas, *Migration and Economic Growth* (Cambridge, UK: Cambridge University Press, 1973); Julian L. Simon, *The Economic Consequences of Immigration* (Oxford, UK: Basil Blackwell and the Cato Institute, 1989); and George Borjas, *Friends or Strangers* (New York: Basic Books, 1990).

⁶⁶ See the discussion in Gary Freeman, "Rejoinder," *International Migration Review* 29 (Winter, 1995): 910; and Rudolph, *National Security and Immigration*, 15-16.

⁶⁷ See, for example, Michael Burawoy, "The Functions and Reproduction of Migrant Labor: Comparative Material from Southern Africa and the United States," *The American Journal of Sociology* 81 (March 1976): 1050-1087; and Manuel Castells, "Immigrant Workers and Class Struggles in Advanced Capitalism: The West European Experience," *Politics and Society* 5 (1975): 33-66; Stephen Castles and Godula Kosack, *Immigrant Workers and Class Structure in Western Europe* (Oxford: Oxford University Press, 1973); Robert Miles, "Labour Migration, Racism and Capital Accumulation in Western Europe Since 1945," *Capital and Class* 28 (1986): 49-86; and Robert Miles, *Capitalism and Unfree Labour: Anomaly or Necessity?* (London: Tavistock Publications, 1987).

emphasize that elites are highly motivated to control immigration because of their interest in “(1) utilizing immigrants as labor reserves to keep wages down and confound union action; (2) providing labor for production and capital accumulation; (3) increasing profits (linked with wage control); (4) counteracting structural inflation; and (5) dividing the working class.”⁶⁸ Consequently, according to Marxist frameworks, capitalist societies such as the U.S. tend toward liberal immigration policies because employers favor an abundance of cheap foreign labor at their disposal.⁶⁹

Another rubric in this academic tradition draws on international trade models to explain the policy area.⁷⁰ These types of models focus on the supply of a nation’s factor endowments (land, labor, capital) to determine the preferences of socioeconomic actors in a state’s immigration policy. As one scholar explains, “Migration is heavily dependent on factor proportions and intensities, and that groups will support or oppose migration depending upon whether they represent scarce or abundant factors.”⁷¹ For example, trade models predict that if a nation is abundant in labor and “poor” in land or capital then the wages of domestic employees will fall and the profits of domestic capital holders and landowners will increase.⁷² Consequently, under this scenario, domestic laborers will lobby for immigration restriction, whereas capital holders and landholders will favor a liberal immigration policy.⁷³ The final

⁶⁸ Rudolph, *National Security and Immigration*, 16.

⁶⁹ *Ibid*, 16.

⁷⁰ For general overviews of international trade models, see, for example, Jeffrey Frieden and Ronald Rogowski, “The Impact of the International Economy on National Policies,” in *Internationalization and Domestic Politics*, eds., Robert O. Keohane and Helen V. Milner (Cambridge: Cambridge University Press, 1996), 25-47; and Dani Rodrik, “Political Economy of Trade Policy,” in *Handbook of International Economics*, eds., G. Grossman and K. Rogoff, 3 vols. (New York: North Holland: Elsevier, 1984-1995), 3:1458-1494.

⁷¹ Hollifield, “Migration, Trade, and the Nation-State,” 598.

⁷² Kessler, “International Trade, Domestic Coalitions, and the Political Economy of Immigration Control,” xiv.

⁷³ *Ibid.*, xiv.

policy that the nation will adopt, however, ultimately depends on which actor is more politically relevant.⁷⁴

Still another framework in this tradition focuses on the spatial concentration of migrants in a country and how the benefits and costs of immigration are distributed in a nation. This framework emphasizes that other models of immigration policy overlook an important aspect of migrant behavior, which is that immigrants are geographically concentrated within a country.⁷⁵ Consequently, disputes over immigration often occur in the counties or towns that are recipients of large numbers of immigrants, and although these local disputes seldom receive attention from national politicians, if they occur in a marginal district or swing state then major political parties pick up the issue and their leaders attempt to institute reform if elected.⁷⁶ Thus, based on this rubric, the geographic concentration and location of immigrant communities is an important underlying factor of a nation's immigration policy.

Despite their allure, there are several reasons why economic frameworks are inadequate to explain American immigration policies. For one, although international trade models are reliable in predicting the immigration policy choices of socioeconomic actors in a state, they are less adept at explaining policy outcomes because actors' preferences do not always translate into legislation.⁷⁷ On the other hand, Marxist frameworks correctly predict that a capitalist society such as the U.S. will tend toward opening its borders to outsiders so elites can exploit foreign workers, but they cannot explain the frequent and often sharp

⁷⁴ *Ibid.*, xiv.

⁷⁵ On this framework, Sophie Body-Gendrot and Martin A. Schain, "National and Local Politics and the Development of Immigration Policy in the United States and France: A Comparative Analysis," in *Immigrants in Two Democracies: French and American Experience*, eds., Donald Horowitz and Gerard Noiriel (New York: New York University Press, 1992); Money, *Fences and Neighbors*; and idem, "No Vacancy: The Political Geography of Immigration Control." Immigrants, for example, are more densely concentrated in Southern California than in Wyoming. Money, *Fences and Neighbors*, 43.

⁷⁶ *Ibid.*, esp. the preface and chapter 1.

⁷⁷ Kessler, "International Trade, Domestic Coalitions, and the Political Economy of Immigration Control," 347.

restrictive legislative turns in American history.⁷⁸ Similarly, "push-pull" economic frameworks that use the condition of the U.S. economy to explain policy outcomes cannot account for several notable cases that run counter to the logic of the model, such as U.S. officials enacting restrictive legislation during the "Roaring Twenties" when the economy was doing well and again in 1996 during the apex of the Internet boom.⁷⁹

Interest Group Frameworks of Immigration Policy

Scholars working in this tradition focus on the composition of interest and social groups within a nation to explain its immigration policy.⁸⁰ Groups and individuals, it is commonly assumed within this rubric, compete and bargain for what they believe is in their best interest and the policy that is implemented by national leaders reflects a balanced compromise of the policy positions of these actors.⁸¹ Within this framework, the national government is generally seen as serving as a "neutral broker" in policy formation.⁸² We therefore "should expect to see immigration policy's most important features resulting from a process in which various economically and culturally motivated interests mobilize to obtain their preferred policies."⁸³ For example, Michael Lemay, perhaps the leading advocate of this approach, explains that "the disparities in power among competing [interest] groups...is key

⁷⁸ Rudolph, *National Security and Immigration*, 16-17.

⁷⁹ *Ibid.*, 16; and Tichenor, *Dividing Lines*, 20-22.

⁸⁰ For overviews of interest group models, see Keith Fitzgerald, *The Face of the Nation: Immigration, the State, and the National Identity* (Stanford: Stanford University Press, 1996), 35-42; and Tichenor, *Dividing Lines*, 23-26. This tradition builds on the pluralist work of political scientists such as Robert Dahl and Charles Lindblom. See, for example, Dahl, *Pluralist Democracy in the United States: Conflict and Consent* (Chicago, IL: Rand McNally & Company, 1967), esp. 22-24; and Lindblom, *The Intelligence of Democracy* (New York: The Free Press, 1965), esp. chapter 1.

⁸¹ See Earl Latham, *The Group Basis of Politics: A Study in Basing-Point Legislation* (Ithaca: Cornell University Press, 1952), 35-37; and Tichenor, *Dividing Lines*, 23.

⁸² Fitzgerald, *The Face of the Nation*, 37; Tichenor, *Dividing Lines*, 23.

⁸³ Fitzgerald, *The Face of the Nation*, 38.

to our understanding immigration policy. Clearly, the interplay among those groups is central to...how open or closed will be our doors at any given time.”⁸⁴

A framework that has received a lot of attention in this tradition is Gary Freeman’s “interest-based” model.⁸⁵ After determining how the benefits and the costs of immigration are allocated between members of society, the model predicts whether the opponents or the proponents of immigration will organize to influence policy.⁸⁶ Freeman’s theory, for example, purports to show that because the benefits of immigration in the U.S. are concentrated (amongst employers in labor-intensive industries, for example) and the costs are spread out (amongst American taxpayers, for example) the beneficiaries of immigration form “small and well-organized groups” and “develop close working relationships with those officials responsible” in America for implementing policy.⁸⁷ On the other hand, the majority of U.S. citizens bear the costs of immigration (through, for example, taxes required for social programs), but they do not organize to voice their opposition to immigration due to collective action problems.⁸⁸ Consequently, according to this rubric, immigration policy in the U.S. tends toward liberalization because the groups who receive the concentrated benefits of immigration advocate an open-door policy.

⁸⁴ Michael LeMay, *From Open Door To Dutch Door, An Analysis of U.S. Immigration Policy Since 1820* (New York: Praeger, 1987), xv. See also Anthony Maingot, “Ideology, Politics, and Citizenship in the American Debate on Immigration Policy: Beyond Consensus,” in *U.S. Immigration and Refugee Policy, Global and Domestic Issues*, ed., Mary Kritz (Lexington: Lexington Books, 1983), 363.

⁸⁵ Gary Freeman, “Modes of Immigration Politics in Liberal Democratic States,” *International Migration Review* 29 (Winter 1995): 881-913. For reviews of the model, Roger Brubaker, “Comments on ‘Modes of Immigration Politics in Liberal Democratic States,’” *International Migration Review* 29 (Winter 1995): 903-908; and Hollifield, “The Politics of International Migration,” in *Migration Theory, Talking Across Disciplines*, eds., Brettell and Hollifield, 144-146.

⁸⁶ On which groups benefit and bear the costs of immigration, Freeman, “Political Science and Comparative Immigration Politics,” 118. Employers, for example, support an open immigration policy because cheap foreign labor lowers the cost of production.

⁸⁷ Freeman, “Modes of Immigration Politics in Liberal Democratic States,” 886.

⁸⁸ *Ibid.*

Though appealing, there are limitations to the models in this tradition. Frameworks, for example, which focus on the composition of interest groups in the U.S. assume that “policy outcomes are equilibriums based on the relative power of each engaged social interest,” but studies indicate that some groups wield more influence than other groups in the formation of immigration policy.⁸⁹ Moreover, these types of models consider the state as an impartial referee amongst competing interest groups, but “the outcomes of immigration politics suggest that governing institutions often distribute power unevenly across social groups.”⁹⁰ A further challenge to these types of models as well as Freeman’s framework is in regard to their rigid classification of the policy preferences of interest groups. These models presume that groups are either for or against immigration, but in practice “interest groups do not always line up in predictable ways, and the supply of immigration policy does not always match demand,” as noted by the fact that business groups (assumed, for example, in Freeman’s model to favor immigration) have wide-ranging preferences and their policy choices vary through time depending on their business model.⁹¹

Institutional Frameworks of Immigration Policy

Scholars working in this tradition focus on state actors and structures to explain U.S. immigration policy. Institutional analyses of policy making focus on how the procedural and structural nuances and rules of government bodies allow certain domestic actors greater access and influence over the policy making process than other domestic actors.⁹² In regard to describing the making of immigration policy, Rudolph notes that scholars who employ these

⁸⁹ Tichenor, *Dividing Lines*, 23.

⁹⁰ *Ibid.*, 24.

⁹¹ Rudolph, *National Security and Immigration*, 16.

⁹² For more on institutional approaches to explaining political development, see, for example, Karen Orren and Stephen Skowronek, *The Search for American Political Development* (Cambridge: Cambridge University Press, 2004); and Theda Skocpol, *Protecting Soldiers and Mothers* (Cambridge, MA: Harvard University Press, 1992).

types of frameworks generally focus on how “state strength (defined in terms of relative insularity from constituency pressures) can affect policy outcomes by either insulating decision-making processes from societal pressures and interest group lobbying (“strong state”) or by increasing the likelihood that such groups will have success in “capturing” the state (“weak state”).”⁹³ For example, working within this tradition, James Gimpel and James Edwards argue that because immigration policy is largely formulated within Congress the policies implemented in the U.S. reflect the preferences of the domestic actors better positioned to gain access to the leaders of this institution.⁹⁴

Two other scholars working in this tradition, Daniel Tichenor and Aristide Zolberg, have offered the most comprehensive historical explanations of U.S. immigration policy to date.⁹⁵ Though their analytical frameworks use multiple variables, their works detail how domestic actors from the founding of the country to the present day have utilized American institutions to develop immigration policies. Tichenor, for example, employs what he calls a “historical-institutionalist” approach to immigration policy that emphasizes “the ways in which changing institutions of the national state and party system shape policy choices” in this area.⁹⁶ Overall, his model explains U.S. immigration policy by focusing on four processes, which are related to the policy opportunities provided by American governing institutions, organized interests, the emergence of professional expertise in the policy area, and pressures from the international system.⁹⁷

Zolberg, whose “historical perspective” of U.S. immigration policy also utilizes several

⁹³ Rudolph, *National Security and Immigration*, 23.

⁹⁴ James G. Gimpel and James R. Edwards, Jr., *The Congressional Politics of Immigration Reform* (Boston, MA: Allyn and Beacon, 1999).

⁹⁵ Tichenor, *Dividing Lines*; and Zolberg, *A Nation by Design*.

⁹⁶ Tichenor, *Dividing Lines*, 28-29.

⁹⁷ *Ibid.*, 8-10.

variables to explain the policy area, similarly stresses the central role of institutions in U.S. immigration policy formation, noting that the “effects of social forces, external and internal, are not automatically translated into policy outcomes, but are mediated by political structures.”⁹⁸ Elaborating on this observation, he explains that “in the case of the modern United States relevant considerations include the effects of formal political institutions in facilitating and constraining the elaboration of policy, notably the allocation of decision-making authority and power between levels and branches of government as well as the structures of representation and the electoral system.”⁹⁹ Overall, Zolberg’s work, the most comprehensive and impressive account of U.S. immigration policy across history available, uses a vast body of secondary literature to illustrate from the colonial period through the twenty-first century the ways that economic considerations, nativist ideologies, and foreign policy interests have found voices in domestic actors such as business groups, labor unions, political parties, and ethnic lobbies that in turn utilized local, state, and federal institutions to enact U.S. immigration policies.¹⁰⁰

Though appealing, there are shortcomings to institutional approaches for explaining U.S. immigration policies. For example, the insight that immigration policy is primarily formulated within Congress does not tell us much about the pressures which lead groups and other actors to utilize this government body to shape policy, hence why scholars such as Tichenor and Zolberg turn to multiple variables to describe the policy area.¹⁰¹ Moreover, while Tichenor’s model does an excellent job detailing the wide variety of forces that underlie America’s decision “front-gate” policy it cannot account for the factors underlying

⁹⁸ Zolberg, *Nation by Design*, 20.

⁹⁹ *Ibid.*, 20.

¹⁰⁰ For an overview of the “themes and perspectives” of his work see *ibid.*, 1-23.

¹⁰¹ Rudolph, *National Security and Immigration*, 19.

other channels of immigration such as unauthorized immigration.¹⁰² And Tichenor and Zolbergs' works, most likely because of their impressive analytical and historical breadth, underemphasize the ways and extent to which security issues (especially ones unrelated to foreign policy) have factored into U.S. immigration policies.

SCHOLARSHIP ON SECURITY AND IMMIGRATION:

Most analysts use ideological and socioeconomic frameworks to describe U.S. immigration policy, but they have limitations for describing the policy area and offer leaders little guidance regarding the security challenges of immigration. What is more, scholars of international politics have largely neglected the relationship between security and immigration until the past two decades and it remains absent from introductory texts to the IR field, the subject of few works by IR scholars, and aspects of it other than those pertaining to foreign relations have received limited attention. Although security areas of U.S. immigration policy have garnered more interest since the Cold War and especially after the September 11, 2001 terrorist attacks, Rudolph and Weiner have aptly noted that “the long obscurity of marginality of international migration to students of global affairs seems stunning” and “it is curious that a phenomenon so intrinsically global in its dynamics and scope” has not received more interest by students of international politics.¹⁰³

The relationship between security and U.S. immigration policy was rarely discussed in academic literature prior to 1980, perhaps because scholars of international politics, the ones likely to focus on the area, considered it of low importance in comparison to the military components of the Cold War.¹⁰⁴ Nevertheless, three of the best works unpacking the role of

¹⁰² *Ibid.*, 20.

¹⁰³ Rudolph, *National Security and Immigration*, 22-23; and Weiner, “International Migration and Global Security,” in *International Migration and Security*, ed., idem (Boulder, CO: Westview Press, 1993). 18.

¹⁰⁴ This observation is frequently made in immigration literature without citation, but the first mention of it that I found is in, Mark J. Miller and Demetrios G. Papademetriou, “Immigration and U.S. Foreign Policy,” in *The*

foreign affairs in U.S. immigration policies appeared during this period, though two of them are dissertations that have gone uncited in academic literature and the security analysis of the other one is underappreciated. Consequently, many of their findings were "refound" by subsequent scholars, though later works lack the empirical depth of these earlier monographs.

Barbara Oberlander tediously details in her dissertation the relationship between foreign relations and U.S. immigration policy from 1882-1906 by drawing from official correspondence between the U.S. and foreign states, letters between State Department officials and American diplomats, Congressional discussions and reports, and records of executive agencies.¹⁰⁵ Neil James George similarly uses government documents, the *Congressional Record*, and private correspondence amongst leaders in his dissertation to reveal the "interplay" between domestic and foreign policy factors in the formation of the 1920s quota acts, the Immigration and Nationality Act of 1952, and the Immigration and Nationality Act of 1965.¹⁰⁶ And Robert Divine's seminal and widely cited work on U.S. immigration draws from congressional deliberation and private letters amongst officials to detail the substantial role that foreign policy considerations played in American policy during the first half of the twentieth century, though most scholars since its publication have focused on aspects of his work other than those related to security to tell economic and ideological stories of U.S. immigration policy.¹⁰⁷

Unavoidable Issue: U.S. Immigration Policy in the 1980s, eds., idem and idem (Philadelphia, PA: Institute for the Study of Human Issues, 1983).

¹⁰⁵ Barbara Oberlander, "American Immigration Restriction as a Problem in American Foreign Relations, 1882-1906," unpub. PhD. dissertation, 1974, Brandeis University.

¹⁰⁶ Neil James George, "The Interplay of Domestic and Foreign Policy Considerations in United States Immigration Policy," unpub. Ph.D. dissertation, Case Western Reserve University, 1975.

¹⁰⁷ Divine, *American Immigration Policy*.

Scholars of international politics began to pay more attention to immigration following a series of refugee crises during the 1970s and 1980s that illuminated the geopolitical importance of the policy area for U.S.-Soviet relations, which resulted in the production of several works during the 1980s and early 1990s that examined the relationship between a state's refugee and foreign policies.¹⁰⁸ Most notably, Gil Loescher and John Scanlan in their seminal study on U.S refugee policy drew from the national archives and interviews conducted with American officials to show that from WWII through the first Reagan term "foreign policy choices ordinarily have played the key role in determining which refugees will be permitted to enter the United States."¹⁰⁹ Norman Zucker and Naomi Zucker, writing shortly after the fall of the Soviet Union, similarly argue that refugee policy "affects not only domestic policy, but foreign policy, international relations, and even questions of war and peace," citing, for example, the threat of large numbers of migrants fleeing Haiti as a reason for the 1994 U.S. invasion of the country.¹¹⁰

The focus on the refugee policies of states during the period also brought attention more generally to the postwar relationship between U.S. immigration and foreign policies.

Michael Teitelbaum wrote a popular *International Organization* article in 1984 that

¹⁰⁸ For studies on refugee policy, see Peter H. Koehn, *Refugees from Revolution: U.S. Policy and Third-World Migration* (Boulder, CO: Westview Press, 1991); Gil Loescher and John A. Scanlan, *Calculated Kindness: Refugees and America's Half-Open Door, 1945 to the Present* (New York: Free Press, 1986); Michael S. Teitelbaum, "Immigration, Refugees, and Foreign Policy," *International Organization* 38 (Summer 1984): 429-50; idem, Right versus Right: Immigration and Refugee Policy in the United States," *Foreign Affairs* 59 (Fall 1980): 21-59; Aristide R. Zolberg, Astri Suhrke, Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York: Oxford University Press, 1989); Norman L. Zucker and Naomi Flink Zucker, *Desperate Crossings: Seeking Refuge in America* (Armonk, NY: M.E. Sharpe, 1996). The 1980 Mariel "boatlift" incident with Cuba was one of these refugee crises. Approximately 125,000 Cubans, dissatisfied with the poor economic conditions on the island departed Mariel Harbor in over 1,500 boats between April 15 and October 31, 1980 to seek refuge in Florida. As the events transpired, Fidel Castro arranged for prisoners, mental health patients, and seriously ill people to participate in the boatlift, with approximately 12,500 people of this type arriving in the U.S. during the incident. After investigative reporters exposed the Cuban stratagem, many Americans who were living in Florida panicked and held political leaders accountable for the incident, including President Jimmy Carter, who would soon afterward lose his reelection bid to Ronald Reagan. See, for example, David Wells Engstrom, *Presidential Decision-Making Adrift: the Carter Administration and the Mariel Boatlift* (Lanham, MD: Rowmann & Littlefield, 1997); and Alfredo Antonio Fernandez, *Adrift: The Cuban Raft People* (Houston, TX: Arte Publico Press, 2000).

¹⁰⁹ Loescher and Scanlan, *Calculated Kindness*.

¹¹⁰ Zucker and Zucker, *Desperate Crossings*, 26.

adumbrated connections between the foreign and immigration policies of states as well as links between international migration and international relations.¹¹¹ A large number of scholars have since further hypothesized on these types of links in articles and edited volumes, though many of these studies rely on selective anecdotal evidence to support assertions and lack the empirical rigor of the studies by Divine, George, and Oberlander. A notable exception is a superb edited volume by Christopher Mitchell that draws from a variety of primary sources to detail the substantial roles that foreign policy interests played in U.S. immigration policies with Western Hemisphere countries during the Cold War.¹¹²

The end of the Cold War prompted scholars of international politics to broaden their studies on "security" beyond military affairs and a few academics took a closer look at the geopolitical significance of the increasing volume of international migration.¹¹³ Most notably, Myron Weiner wrote several works during the decade that brought increased attention to the issue, exemplified in a popular *International Security* article in 1992 that broadly identified the "types of international movements generated by considerations of state security and stability," "circumstances when international migration is regarded as a threat to a country's

¹¹¹ Teitelbaum, "Immigration, Refugees, and Foreign Policy." For other studies on the links between foreign policy and a state's immigration policy as well as those between international migration and international relations during this period, see Miller and Papademetriou, "Immigration and U.S. Foreign Policy," in *The Unavoidable Issue*, eds., idem and idem; Christopher Mitchell, "International Migration, International Relations, and Foreign Policy," *International Migration Review* 23 (Autumn 1989): 681-708; and Robert W. Tucker, Charles B. Keely, and Linda Wrigley, eds., *Immigration and U.S. Foreign Policy* (Boulder, CO: Westview Press, 1990). See also Myron Weiner's article on the relationship between international migration and international relations, idem, "On International Migration and International Relations," *Population and Development Review* 11 (September 1985): 441-455; and the research report published by a conference held in Guadalajara, Mexico in May 1989 which discussed the international effects of IRCA, Georges Vernez, ed., *Immigration and International Relations: Proceedings of a Conference on the International Effects of the 1986 Immigration-Reform and Control Act (IRCA)* (Santa Monica, CA : Rand Corp; Washington, DC : Urban Institute Press, 1990). The policy establishment in the U.S. also commented on the role of immigration in the Cold War during the period, exemplified by white papers published by the RAND Corporation that outlined the significance of immigration for U.S.-Soviet relations. See Vernez, *Increased Soviet Emigration and U.S. Immigration Policy* (Santa Monica, CA: Rand, 1993); and idem, *National Security and Migration: How Strong the Link?* (Santa Monica, CA: Rand, 1996).

¹¹² Mitchell, ed., *Western Hemisphere Immigration and United States Foreign Policy*. See fn. 110 for other sources on this topic.

¹¹³ On broadening "security" in the IR field see, for example, Buzan, Waever, Wilde, *Security: A New Framework for Analysis*; Krause and Williams, "Broadening the Agenda of Security Studies"; and Walt, "The Renaissance of Security Studies."

security and stability,” and the “various ways states react when faced with population movements they regard as a threat to their international security and internal stability.”¹¹⁴ Similarly, Weiner edited a popular volume that focused on the security consequences of international population movements for Australia, Russia, Western European countries, South Asian countries, Sub-Saharan Africa, and Central American countries.¹¹⁵ Several other works during the period also built upon analyses in the previous decade to further specify the relationship between immigration and the foreign policy of states, perhaps best reflected in a volume by Teitelbaum and Weiner that analyzed U.S. policies regarding world population movements in the postwar period.¹¹⁶

The events of September 11th have brought an even greater focus to the security importance of immigration. More recently, and especially since the 9/11 attacks (which were carried out by terrorists who came to the U.S. on immigrant visas), scholars have preliminarily begun to examine the relationships amongst the immigration policies of states and security areas other than those pertaining to foreign relations, such as epidemics, ethnic violence, high-skilled labor, and terrorism.¹¹⁷ Still other analysts have more closely examined U.S.

¹¹⁴ Idem, “Security, Stability, and International Migration,” 97-98. Weiner, *Global Migration Crisis*; idem, ed., *International Migration and Security*; idem, “Security, Stability and International Migration,” *International Security* 17 (Winter 1992/1993): 91-126; and idem (with Michael S. Teitelbaum), eds., *Threatened Peoples, Threatened Borders: World Migration and U.S. Policy* (New York: W.W. Norton & Company, 1995). See also James F. Hollifield, “Migration and International Relations: Cooperation and Control in the European Community,” *International Migration Review* 26 (Summer 1992): 568-595; Mark J. Miller, “International Migration and Security: Towards Transatlantic Convergence,” in *Immigration into Western Societies: Problems and Policies*, eds., Emek M. Ucarer and Donald J. Puchala (London: Pinter, 1997); Christopher Mitchell, ed., *Western Hemisphere and United States Foreign Policy*; Nana Poku and David T. Graham, eds., *Redefining Security: Population Movements and National Security* (Westport, CT: Praeger, 1998).

¹¹⁵ Idem, ed., *International Migration and Security*.

¹¹⁶ Teitelbaum and Weiner, eds., *Threatened Peoples, Threatened Borders*.

¹¹⁷ Vernon M. Briggs, Jr., *Mass Immigration and the National Interest: Policy Directions for the New Century*, 3rd ed. (Armonk, NY: M.E. Sharpe, 2003); Wayne A. Cornelius, Thomas J. Espenshade, and Idean Salehyan, eds., *The International Migration of the Highly-Skilled: Demand, Supply, and Development Consequences for Sending and Receiving Countries* (La Jolla, CA: Center for Comparative Immigration Studies, University of California at San Diego, 2001); Stefan Hohlfield, “The International Migration of High-Skilled and National Systems of Innovation: Obsolescence of the ‘National,’” unpublished paper, available at <http://www2.druid.dk/conferences/viewpaper.php?id=1989&cf=28>, accessed on March 5, 2010; Hollifield, “The Emerging Migration State,” *International Migration Review* 38 (2004): 885-912; Michael C. Lemay, *Guarding the Gates: Immigration and National Security* (Westport, CT: Praeger Security International, 2006); Alexander Moens

border systems and technologies in light of the large numbers of unauthorized immigrants entering the southern border in recent years.¹¹⁸ And political demographers have also increasingly offered analyses on demography and national security that touch on many issues relevant to international migration and immigration.¹¹⁹

And scholars such as Marc Rosenblum and Christopher Rudolph have contributed to our theoretical understanding in the area by using IR theory and methodologies to offer the first models of state migration policies based on security variables.¹²⁰ Rudolph, for example, has in recent years stipulated one of the first theories attempting to describe the postwar immigration policies of states based on security variables. He purports to show that a country's perception of geopolitical threat can account for its border policy; yet, because this variable cannot predict how and when a state will react to external threat, Rudolph incorporates "ideas" as intervening factors to help his model to make accurate predictions of policy.¹²¹ The model seeks to show that neoclassical economic and nationalist ideas cause a state to enact "open" policies during times of high geopolitical threat because robust economic production, sparked in part by immigrant labor, is thought necessary for strength and security, and because citizens feel a sense of commonality in the face of external threat,

and Martin Collacott, eds., *Immigration Policy and the Terrorist Threat in Canada and the United States* (Vancouver, Canada: Fraser Institute, 2008); Marc Rosenblum, "High-Skilled Immigration and the U.S. National Interest," in *International Migration of the Highly Skilled*, eds., Cornelius, Espenshade, and Salehyan, 384-388; idem, "Immigration and U.S. National Interests: Historical Cases and the Contemporary Debate," in *Immigration Policy and Security: U.S., European, and Commonwealth Perspectives*, eds., Terri E. Givens, Gary P. Freeman, and David L. Leal (New York: Routledge, 2009); Rudolph, "Globalization and Security," 1-32; idem, "International Migration and Homeland Security: Coordination and Collaboration in North America," *Law and Business Review of the Americas* 11 (2005): 433-460; idem, "Security and the Political Economy of International Migration," *American Political Science Review* 97 (November 2003): 602-620.

¹¹⁸ Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide* (Ithaca, NY: Cornell University Press, 2000).

¹¹⁹ Weiner, *Political Demography, Demographic Engineering* (New York: Berghahn Books, 2001); and idem and Sharon Stanton Russell, *Demography and National Security* (New York: Berghahn Books, 2001).

¹²⁰ See Rosenblum, *The Transnational Politics of U.S. Immigration Policy* (La Jolla, CA: Center for Comparative Immigration Studies, 2004); and Rudolph, *National Security and Immigration*.

¹²¹ Christopher Rudolph, *National Security and Immigration: Policy: Development in the United States and Western Europe since 1945* (Stanford, CA: Stanford University Press, 2006). See also, Eytan Meyers, *International Immigration Policy: A Theoretical and Comparative Analysis* (New York, 2004).

making them less disposed to exclusionary thoughts. Neoclassical economic and xenophobic ideas cause a state to enact “closed” policies during times of low geopolitical threat because the state is less concerned with the economic components of security, and because xenophobic tendencies are likely to manifest absent a motive for citizens to unite.

Limitations of Extant Literature on Security and Immigration

Although recent works offer considerable insight into the security areas of immigration, they have limitations for assisting leaders in forming policies that protect citizens and immigrants. For one, Rudolph's study as well as nearly all of the extant works focus exclusively on postwar U.S. immigration policies, which is peculiar because similar security issues affected American policies prior to this period, suggesting that more enduring principles are at work in the area—casting the historical net wider may yield informative case studies for modern leaders. Second, the theoretical works on security and immigration abstract and omit dimensions of the phenomena for parsimony, which allows for elegant models but incomplete information to assist leaders in forming safe policies and the public in holding officials accountable in the area.¹²² Third, existing works focus disproportionately on the relationship between U.S. foreign and immigration policies, which is an important area for human security, but it is only one of the many security issues involved with immigration. Fourth, few extant studies examine primary sources to substantiate and unpack the role of security in U.S. policies so it is unclear precisely how domestic and international threats are factoring into the policy area.¹²³ Consequently, due to these gaps within the literature, leaders and scholars lack guides that detail the full spectrum of security issues relevant to

¹²² For example, Rudolph's model does not provide officials with concrete guidance over the security components of immigration because it relies on “ideas” which are difficult to measure and manipulate to make accurate policy predictions. Nonetheless, Rudolph's model provides an excellent foundation for thinking about U.S. immigration policy, identifying three main security components in the postwar period--terrorism, immigrant labor, and assimilating diverse ethnicities Rudolph, *National Security*, 11-40.

¹²³ The notable exception being studies on U.S. foreign and immigration policies.

immigration as well as a large number of historical case studies to assist with forming policies that protect citizens and immigrants—a particularly dangerous situation given the contemporary importance of the policy area to human security.

RESEARCH DESIGN AND METHODS:

My dissertation will redress these gaps in the literature and unpack the policy area to assist leaders with forming equitable and prudent immigration policies for citizens and immigrants. It will do so through presenting the strategic logic of U.S. immigration policy by providing a typology of security policy objectives for America in this area. It will identify three general categories of objectives that U.S. leaders have attempted to reach with immigration from the colonial era to the present-day: (1) domestic security (prevent crime, espionage, and terrorism; epidemics; and ethnic violence); (2) foreign relations; and (3) material and military interests. The analyses accompanying the categories will draw from government documents, international relations (IR) and security studies theories, legal statutes, primary sources such as private letters, and works by demographers and historians to specify the relationships amongst the security areas and immigration, identify the policy instruments used by leaders to influence immigration for security, and present a large body of cases of historical U.S. immigration policies designed for security purposes. It will present more than fifty case studies of U.S. leaders using immigration policy to serve the national interest—a qualitative databank that may be useful for scholars and policymakers.

Benefits of this Methodology for Examining Security and U.S. Immigration Policy

This approach to studying security and U.S. immigration has benefits and limitations. The positives of a specifying a typology of security policy objectives for this policy area include its ability to describe a “complex phenomena without oversimplifying” by providing comprehensive lists of the relationships amongst security and U.S. immigration policies “in a

parsimonious side-by-side format for policy makers and researchers to quickly ascertain the dimensions of the phenomena."¹²⁴ This method will unpack and bring transparency to the policy area so the public can hold officials accountable for responsible policies as well as assist scholars with future studies, especially considering the nascent state of the research program in this area, because it will illuminate “both actual and potential conjunctions of variables, or sequences of events and linkages between causes and effects that may occur” and clarify “which case comparisons and research designs are possible in view of the extant population” for the policy area.¹²⁵

Limitations of this Methodology for Examining Security and U.S. Immigration Policy

Some analysts consider the strengths of typologies a “limitation” because they see them as “descriptive, pre-explanatory, or nonexplanatory” methodologies.¹²⁶ These scholars emphasize the primacy of prediction and tend to view this type of classification system as “insufficient rather than the prerequisite for theorizing that it is.”¹²⁷ Perhaps this “criticism” accounts for why the work to date in the area is primarily theoretical rather than empirical and lacks accessible frameworks for scholars and policy makers that specify the relationship between security and immigration—an unfortunate and dangerous development considering the importance of the area today for human security. Another drawback to the methodology of this dissertation is the danger of “reification” or that its classification system has errors and is treated as “real” by leaders when forming policy—a particularly dangerous pitfall for

¹²⁴ This will, for example, allow officials to “make more discriminating diagnoses of emerging situations” in the area Kenneth D. Bailey, *Typologies and Taxonomies: An Introduction to Classification Techniques* (Thousand Oaks, CA: Sage Publications, 1994), 12; and Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: MIT Press, 2005), 233, 237.

¹²⁵ *Ibid.*, 236.

¹²⁶ Bailey, *Typologies and Taxonomies*, 15.

¹²⁷ *Ibid.*, 15.

immigration since it is intimately connected with people.¹²⁸ But the same peril exists with other frameworks of U.S. immigration policy, including perhaps especially the theoretical work on security and immigration that omit areas of the phenomena for parsimony. One purpose of this study is to prevent officials from “reifying” mistaken beliefs regarding security and immigration by providing a strong conceptual and empirical foundation in the area.

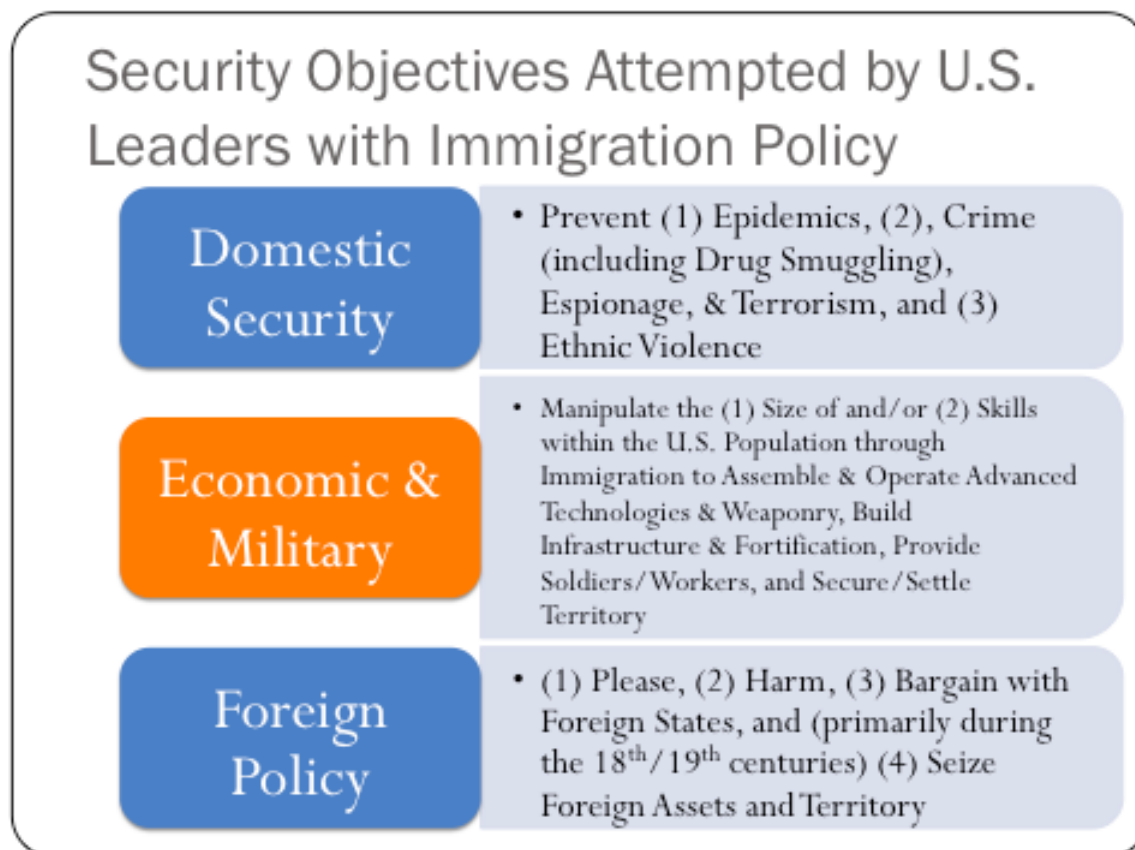
The "Janus-Faced" Benefit/Danger of this Research Methodology for Human Security

It is important to stress again that the purpose of this methodology and dissertation is to bring transparency to the policy area to help leaders in forming fair and safe policies for citizens and immigrants. My research will illuminate tendencies in human nature and structural forces within the international system that incline leaders to humanitarian *and* selfish behavior in this policy realm and it will describe responsible *and* abusive immigration practices so that we can take steps to prevent harmful and promote beneficial immigration policies for human security. The danger with all types of research of this nature is that irresponsible leaders will selectively use it as a Machiavellian handbook of sort to maximize national gain without sensitivity to the human security of citizens *and* immigrants. I protect against this peril by framing my research in regard to serving humanitarian objectives and illuminating pros and cons of policies for human security. I also work under the premise that in a democracy such as the U.S. the benefits of exposing immigration policies insensitive to human security, which will hopefully lead to public outrage and action to prevent their continuation, outweigh the risk of American leaders selectively using my research for selfish personal or national purposes.

¹²⁸ *Ibid.*, 15.

SECURITY OBJECTIVES AND U.S. IMMIGRATION POLICY

Immigration and security intersect for a state in regard to its foreign relations, material and military interests, and domestic security. My dissertation will for each of these security areas (1) use the IR and security studies literatures as well as works from other fields (e.g., the criminology, demography, economic, history, medical, and sociology disciplines) to detail their relationships with immigration, (2) catalogue and describe the policies and instruments used by U.S. leaders through history to manipulate immigration for security objectives, and (3) draw from a number of sources including primary documents to provide a large quantity of cases of historical U.S. immigration policies designed for security purposes in these realms (see figure 1 and tables 1-3 for a visual representation.) This section provides an overview of this research, which is expanded upon in coming chapters.



Foreign Policy Objectives and U.S. Immigration Policy

The foreign policy of a state entails its goals in the international system and its interactions with nations and organizations in the global community. The diplomatic objectives of states vary, but they commonly seek preservation and independence and most of them also strive for prestige and economic prosperity. A state can use its immigration policy as a foreign policy instrument in large part because it directly involves the people of another state, which for many nations are one of the most intimate and valuable components of its capital and resources. The immigration decisions made by states regarding the people of other nations are often construed by foreign leaders as a hostile or warm gesture and can improve or sour diplomatic relations.

U.S. leaders have used immigration as a foreign policy tool to accommodate, sanction, and bargain with nations as well as seize foreign assets and territory (see table 2 for visual depiction of this section.) For one, U.S. officials have attempted to foster, initiate, or improve relationships with foreign states by inviting their people to immigrate to America. Second, U.S. leaders have attempted to punish adversary nations by permitting entrance of immigrants from foreign states that prohibit their exit, mistreating the immigrants of foreign states, and training the immigrants of foreign states to return to their home country to overthrow the ruling regime. Third, U.S. leaders have linked an immigration issue with issues in other policy areas to serve as a bargaining chip in negotiation and trade with foreign states. And fourth, American officials have allowed U.S. citizens to emigrate into foreign territory to assist with capturing land and they have also forced the emigration of foreign residents to seize their assets. The instruments and vehicles used by leaders to carry out these policies include diplomatic agreements, displaced persons and refugee laws, executive decree, “non-policies” or preventing the passage of immigration legislation for diplomatic

purposes, stipulations or omissions within “main gate” or major immigration legislation, and “one-time” laws.

There are numerous historical examples of U.S. leaders devising policies to reach foreign policy objectives. For one, American officials have frequently used immigration to foster or improve relations with foreign countries, exemplified by the exemption of the western hemisphere from the restrictions of the 1920s Quota legislation, which all but closed the borders to the rest of the world for five decades but allowed unlimited migration from these countries because of its "Good Neighbor" foreign relations policy.¹²⁹ Second, U.S. officials have used immigration as a discomfiting or ideological “weapon” against foreign states, particularly during the Cold War, as exemplified by the Refugee Relief Act of 1953, which was ostensibly designed to serve as a humanitarian instrument but identified by a National Security Council memorandum as created to “encourage defection of all USSR nationals and ‘key’ personnel from the satellite countries” in order to “inflict a psychological blow on Communism” by encouraging their high-skilled labor to leave the country. Third, U.S. officials have tied immigration to other issue areas in diplomatic negotiations, exemplified by the Jackson-Vanik amendment of the 1974 U.S. Trade Act that explicitly linked trade and migration by denying most-favored nation status to specified countries that restricted the emigration rights of their citizens. And fourth, U.S. leaders have used immigration as a tool to acquire territory, primarily during the country's first century through permitting settlers in the west to migrate into territory belonging to foreign states, which allowed the U.S. to more easily take these lands later through negotiation and war.

¹²⁹ Similarly, Presidents Truman, Eisenhower, Kennedy, despite being hamstrung by a restrictive general immigration law, used various policy instruments to admit immigrants from Cold War allies to strengthen alliances.

Table 1: Foreign Policy Objectives & U.S. Immigration Policy

Foreign Policy Objective	Immigration Policy	Immigration Policy Instrument/Vehicle	Examples of Immigration Policies
Foster or Improve Relations with Foreign States	Invite/Permit Entrance of Immigrants from a Foreign State	Administrative Decree; Diplomatic Agreement; Refugee Laws; Executive Order; “Non-Policies”; “Main Gate” Immigration Laws; “One-Time” Laws	Presidents Truman through Reagan used executive authorities and legislative loopholes to permit entrance to many groups excluded from the U.S. to promote good relations with Cold War allies
Ideological/Discomfiting Weapon against Foreign States	Permit the Entrance of Immigrants from a Foreign State that Prohibits Exit of their Residents to the U.S.; Punish Immigrants of an Adversary State; Train Immigrants to Return to their Home Country to Overthrow the Government	Administrative Decree; Refugee Laws; Executive Order; Policies “Punishing” Immigrants in the U.S.; “Main Gate” Immigration Laws; “One-Time” Laws; Train Immigrants to Overthrow Home Government	Refugee Relief Act of 1953, which was identified by an NSC memorandum as designed to “encourage defection of all USSR nationals” in order to “inflict a psychological blow on Communism”
Bargaining Chip with Foreign States	Link an Immigration Policy with an Issue in another Policy Area	Administrative Decree; Diplomatic Agreement; Negotiation/Trade Agreements with Foreign States	Jackson-Vanik amendment of the 1974 U.S. Trade Act linked trade and migration by denying most-favored nation status to specified countries that restricted the emigration rights of their citizens
Unarmed Conquest of Foreign Territory or Assets	Permit U.S. Citizens to Emigrate into Foreign Territory; Force the Emigration of Groups Residing in the U.S. to Seize their Assets	“One-Time” Laws; Unofficial “Off the Record” Policies	U.S. leaders let settlers in the west migrate into territory belonging to Indian nations, which allowed the U.S. to more easily take the lands later through negotiation and war

Material and Military Objectives and U.S. Immigration Policy

Leaders concern over the material and military power of their states to ensure security in an anarchic international system. They focus on military *and* material strength because wealth is an important component for a state in procuring resources necessary to remain competitive and secure in the international community. The core building blocks of the material and military strength of a state are related to the size and skill of its labor force and population—a large, efficient, and technologically advanced population has the capacity to produce great wealth and a formidable military. As Samuel Huntington explains regarding the strength of states, the “currency here is men, money, and material.”

Leaders through history have gone to great lengths to ensure that their states are endowed in these areas (see table 2 for visual depiction of this section.) One way that they have done this is through immigration because it can affect the size and skill level of the

labor force and population of a state and provide human numbers or experts to serve as soldiers and workers. Immigrants provide a state with men for militaries, people to settle and secure territory, workers to build fortifications and infrastructure, and perhaps of particular importance in the modern era, scientists and specialists with the expertise to build and operate the cutting-edge technologies needed for economic production and weaponry.

The types of immigration policies that American officials have implemented for these security objectives fall into three broad categories, which are, one, policies that attract skilled immigrant labor, two, policies that increase population size, and three, policies that set up foreign worker programs during wartime to cover manpower shortages. The policy instruments that U.S. leaders have used to carry out these objectives include allocating percentages of available immigrant visas for skilled foreign laborers, granting exemptions in restrictive legislation for immigrants with special skills, instituting an “open door” immigration policy to invite large numbers of foreigners, sending agents to foreign countries to recruit immigrants, offering special inducements such as tax incentives or cheap land to attract foreign numbers, setting up temporary guest worker programs, and more recently through “virtual immigration,” which uses technology to allow American corporations and organizations to utilize foreign labor from abroad without the expense of incorporating them in the polity.

There are numerous historical examples of U.S. leaders devising these types of policies for material and military gain. For one, American officials, primarily during the eighteenth and nineteenth centuries, sought to increase population to bolster the material and military strength of the country by leaving the borders largely unregulated so anyone could come to the U.S., through offering foreigners incentives such as cheap land to come to America, and by sending agents throughout Europe to attract immigrants. Second, U.S. leaders have sought skilled labor by granting exemptions in “restrictive” legislation (e.g., the Quota Acts of 1921

and 1924 and the McCarran-Walter Act of 1952) for immigrants possessing desired skills, through designating visas within legislation for immigrants with skills seen as important for the national interest (e.g., Immigration and Nationality Act of 1965 and Immigration Act of 1990), and by creating “special,” one-time legislation to permit entrance of immigrants with needed skills (e.g., H-1B visa legislation of 2000 that allowed entrance of skilled technology workers). And third, American officials have designed schemes and temporary foreign worker programs during the Revolutionary War, Civil War, WWI, WWII, and the Korean War to recruit immigrants to assist on the battlefield and home front.

Table 2: Material and Military Objectives & U.S. Immigration Policy

Material/Military Objective	Immigration Policy	Immigration Policy Instruments/Vehicles	Examples of Immigration Policies
Equip Workforce and Military with Advanced Technologies and Weaponry	Recruit High-Skilled/ Technical Foreign Labor	Stipulations in Immigration Laws to Accept Foreigners with Specified Skills; Distributing “Recruitment” Literature in Foreign Countries; Offering Foreigners Inducements such as Tax Incentives to Emigrate; Sending Recruitment Agents to Foreign Countries	Exemptions in restrictive immigration laws (e.g., 1920s Quota Acts and the McCarran-Walter Act of 1952) for foreigners with desired skills. Visas allocated in immigration legislation for foreigners with desired skills (e.g., Immigration Act of 1965 and Immigration Act of 1990).
Increase Size of Workforce and Military	Invite or Permit the Entrance of Large Numbers of Immigrants	Liberal Immigration Laws; Distributing “Recruitment” Literature in Foreign Countries; Offering Foreigners Inducements such as Tax Incentives to Emigrate; Sending Recruitment Agents to Foreign Countries	“Open Door” policy instituted by the federal government during the 18 th and 19 th centuries. Colonial and state governments during this period also offering inducements for immigrants to come to their territories as well as sending recruitment agents to foreign countries.
Assist with War Effort	Recruit Foreign Manpower to Assist with War	“One-Time” Immigration Laws Designed to Attract Immigrants to Assist with War; Temporary Foreign Worker Programs	1864 Act to Encourage Immigration during the Civil War to recruit foreign manpower to the north. Temporary foreign worker programs during WWI, WWII, and the Korean War.

Domestic Security Objectives and U.S. Immigration Policy

Immigration has wide-ranging affects on the domestic security of a state in regard to crime (including drug trafficking), epidemics, espionage, ethnic violence, and terrorism. For one, criminals and drug traffickers can enter the U.S. as authorized or unauthorized immigrants.¹³⁰ Second, epidemics have posed perhaps the largest security threat to mankind through history, with many of them rapidly and indiscriminately claiming lives at a faster pace than even the great wars of the twentieth century, and one of the primary ways that they spread amongst states is through international migration. Third, spies and terrorists can infiltrate the U.S. through immigration, exemplified in that all forty-eight of the terrorists convicted of acts of violence against the United States since 1993 entered the country legally. And fourth, a rapid influx of immigrants can quickly change the cultural, demographic, and ethnic composition of the polity, which in turn can lead to domestic uprisings and violence.¹³¹

American leaders have attempted to protect against domestic threats through measures such as border monitoring systems, deportation, and “remote control” (screening emigrants from abroad) to prevent the entrance of criminals, those with contagious diseases, spies, and terrorists. U.S. officials have also enacted measures restricting the entrance of a rapid influx of large numbers of new ethnic groups to prevent domestic conflict and violence. Some of the policy instruments used by U.S. leaders for these purposes include, stipulations or omissions within “main gate” or major immigration legislation and “one-time” laws.

There are numerous examples of the U.S. devising policies to reach these objectives. American officials, for example, have included stipulations and measures in nearly every major piece of immigration legislation through its history that prevent the entrance of

¹³⁰ For example, the United Nations estimates that 90 percent of the cocaine in the U.S. is produced in South America and smuggled through Mexico.

¹³¹ For example, most analysts attribute the 1992 Los Angeles Riots, the worst civil disturbance in U.S. history since the Civil War, to tensions amongst native and foreign born residents.

anarchists, criminals, spies, terrorists and those suspected of carrying certain types of contagious diseases (e.g., the Immigration Act of 1917, the 1921 and 1924 Quota Acts, the McCarran-Walter Act of 1952, the Immigration and Nationality Act of 1965, and the Immigration Act of 1990). U.S. officials have also repeatedly passed legislation designed to improve border security to prevent the entrance unauthorized immigrants to protect citizens, such as the Intelligence Reform and Terrorism Prevention Act of 2004.

Table 3: Domestic Security Objectives and U.S. Immigration Policy

Domestic Security Objective	Immigration Policy	Immigration Policy Instruments/Vehicles	Examples of Immigration Policies
Prevent Epidemics	Prevent Entrance of Foreigners Carrying Dangerous Contagious Disease	Border Monitoring Systems; Isolation/Quarantine; Stipulations in Legislation Banning Entrance of those Suspected of Carrying Disease	Major immigration laws through history, such as the 1920s Quota Acts, the McCarran-Walter Act of 1952, the Immigration Act of 1965, & the Immigration Act of 1990 ban and stipulate measures to prevent the entrance of foreigners carrying specified types of contagious disease.
Prevent Crime, Drug Smuggling, Espionage, and Terrorism	Prevent Entrance of Criminals, Drug Traffickers, Spies, and Terrorists	Border Monitoring Systems; Deportation; Stipulations in Laws Preventing Entrance of those suspected of crime, espionage, and terrorism.	Major immigration laws through history, such as the Immigration Act of 1917, the 1920s Quota Acts, the McCarran-Walter Act of 1952, the Immigration Act of 1965, and the Immigration Act of 1990 ban and stipulate measures to prevent the entrance of suspected anarchists/terrorists, criminals, and spies.
Prevent Ethnic Violence	Prevent Entrance of Large Numbers of New Ethnic Groups	Stipulations in Immigration Legislation Limiting/ Preventing Entrance of Specified Ethnic Groups	The 1920s Quota Acts created numerical immigrant “quotas” for eastern hemisphere countries to prevent the entrance of large numbers of new ethnic groups out of fear of domestic conflict.

PLAN OF DISSERTATION

This dissertation proceeds as follows: The next chapter details the relationship between immigration and the foreign policy objectives of a state and identifies and provides examples of immigration policies devised by U.S. leaders to reach diplomatic goals. The third chapter details the relationship between immigration and the material and military interests

of a state and identifies and provides examples of immigration policies devised by U.S. leaders to reach security objectives in this area. The fourth chapter details the relationship between immigration and the domestic security of a state and identifies and provides examples of the immigration policies devised by U.S. leaders to reach security objectives in this area. The final chapter discusses the significance of the findings of the dissertation for scholarship in the immigration and IR fields and contemporary U.S. immigration policy.

Foreign Policy Objectives and U.S. Immigration Policy

What is the relationship between U.S. foreign policies and immigration policies? How have U.S. leaders factored foreign policy objectives into the nation's immigration policies? How have U.S. leaders used immigration policies as diplomatic tools?

These questions may seem odd to many Americans because immigration is commonly perceived as a “domestic” issue that leaders should make decisions over based on how it affects the jobs and safety of citizens.¹³² For example, the debate within the country over its southern border with Mexico centers on the danger of unauthorized or “illegal” immigrants entering the country and relatively little attention is devoted to how American policy decisions in this area may affect foreign relations with its neighbor. Scholars help reinforce this perspective by arguing that diplomatic considerations primarily factor at the margins when U.S. leaders develop policies in the area, though this claim is often supported with secondary sources on American immigration that did not consider security.¹³³

The “domestic” view of immigration policy obscures that American decisions in the area have significant implications for its foreign relations because immigration involves the residents of other states. Immigration is an enticing area for a state to attempt to manipulate with policies to carry out foreign policy objectives because it directly involves the people of another state, which are for many countries one of the most intimate and valuable components of its capital and resources. World leaders have recognized the relationship between foreign policy and immigration since the formation of the modern nation-state

¹³² On this issue see, for example, Christopher Mitchell, “International Migration, International Relations, and Foreign Policy,” *International Migration Review* 23 (Autumn 1989): 683; and Marc R. Rosenblum, “Immigration and U.S. National Interests: Historical Cases and the Contemporary Debate,” in *Immigration Policy and Security: U.S., European, and Commonwealth Perspectives*, eds., Terri E. Givens, Gary P. Freeman, and David L. Leal (New York: Routledge, 2009), 29-30.

¹³³ *Ibid.*, 15.

system in the seventeenth century, and they have tended to cooperate or conflict over issues in this area based on their strategic and humanitarian interest in the matter.¹³⁴ The policy area has grown increasingly important in relations amongst states over the twentieth century, and especially in the past several decades because world population has surged and technology has facilitated and lowered the cost of travel across borders.

The few studies that closely examine archival evidence regarding the issue find that foreign policy considerations have played a large role in U.S. immigration decisions. Most notably, Neil James George details the role of foreign policy in four major immigration policy events of the twentieth century;¹³⁵ Gil Loescher and John Scanlan use research from the national archives and interviews conducted with officials to meticulously show that from the end of WWII through the first Reagan term that “foreign policy choices ordinarily have played the key role in determining which refugees will be permitted to enter the United States”;¹³⁶ a volume edited by Christopher Mitchell uses primary sources to reveal that foreign policy considerations affected immigration policy with Cuba, the Dominican Republic, Haiti, and El Salvador during the second half of the twentieth century;¹³⁷ Marc Rosenblum has specified an “intermestic” model of U.S. immigration policy that draws from a large body of interviews

¹³⁴ John C. Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State* (New York: Cambridge University Press, 2000).

¹³⁵ Neil James George, “The Interplay of Domestic and Foreign Considerations in United States Immigration Policy,” PhD Dissertation, Case Western Reserve University, 1975, 186-188.

¹³⁶ Gil Loescher and John A. Scanlan, *Calculated Kindness: Refugees and America’s Half-Open Door, 1945 to the Present* (New York: Free Press, 1986). For other studies on the relationship between U.S. foreign and refugee policies, see Peter H. Koehn, *Refugees from Revolution: U.S. Policy and Third-World Migration* (Boulder, CO: Westview Press, 1991); Michael S. Teitelbaum, “Immigration, Refugees, and Foreign Policy,” *International Organization* 38 (Summer 1984): 429-450; idem, Right versus Right: Immigration and Refugee Policy in the United States,” *Foreign Affairs* 59 (Fall 1980): 21-59; Aristide R. Zolberg, Astri Suhrke, Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York: Oxford University Press, 1989); and Norman L. Zucker and Naomi Flink Zucker, *Desperate Crossings: Seeking Refuge in America* (Armonk, NY: M.E. Sharpe, 1996).

¹³⁷ Christopher Mitchell, ed., *Western Hemisphere Immigration and United States Foreign Policy* (University Park, PA: The Pennsylvania State University Press, 1992). See also the edited volumes by Michael S. Teitelbaum and Myron Weiner, eds., *Threatened Peoples, Threatened Borders: World Migration and U.S. Policy* (New York: W.W. Norton & Company, 1995); and Robert W. Tucker, Charles B. Keely, and Linda Wrigley, eds., *Immigration and U.S. Foreign Policy* (Boulder, CO: Westview Press, 1990).

with officials to show how domestic and foreign policy factors interact for policy outcomes;¹³⁸ and popular works by Michael Teitelbaum broadly identify ways in which foreign policy issues have factored into American immigration decisions.¹³⁹

This chapter will draw from these studies as well as government documents, the IR and security studies literatures, legal statutes, private correspondence amongst leaders, and secondary sources by historians to specify the relationship between foreign policy and immigration for a state, identify the policy instruments used by American leaders to influence immigration for diplomatic objectives; and present a large body of examples of historical U.S. immigration policies designed to serve foreign policy goals. It will show that U.S. leaders have repeatedly used immigration to harm, please, and bargain with other states as well as seize foreign assets and territory. (See the table below for elaboration, which is reproduced from the introduction.)

The chapter unfolds as follows: the first section will describe and provide examples of the ways that U.S. leaders have used immigration policy to foster, initiate, or improve relationships with other countries; the second section will describe and provide examples of the ways that U.S. leaders have used immigration policy to coerce or sanction foreign states; the third section will describe and provide examples of the ways that U.S. leaders have used immigration as a bargaining chip in its relations with foreign states; and the fourth section will describe and provide examples of the ways that U.S. leaders have used immigration to

¹³⁸ Marc R. Rosenblum, *The Transnational Politics of U.S. Immigration Policy* (La Jolla, CA: Center for Comparative Immigration Studies, 2004).

¹³⁹ Teitelbaum, "Immigration, Refugees, and Foreign Policy"; idem, *Latin Migration North: The Problem for U.S. Foreign Policy* (New York: Council on Foreign Relations, 1985); and idem, Right versus Right: Immigration and Refugee Policy in the United States." Though without the empirical depth of the studies mentioned above, the following works also illuminate the connection between the foreign policy and a state's immigration policy, Mark J. Miller and Demetrios G. Papademetriou, "Immigration and U.S. Foreign Policy," in *The Unavoidable Issue: U.S. Immigration Policy in the 1980s*, eds., idem and idem (Philadelphia, PA: Institute for the Study of Human Issues, 1983); Mitchell, "International Migration, International Relations, and Foreign Policy"; Myron Weiner "On International Migration and International Relations," *Population and Development Review* 11 (September 1985): 441-455; Georges Vernez, *National Security and Migration: How Strong the Link?* (Santa Monica, CA: Rand, 1996); idem, ed., *Immigration and International Relations: Proceedings of a Conference on the International Effects of the 1986 Immigration-Reform and Control Act (IRCA)* (Santa Monica, CA : Rand Corp, 1990); and idem, *Increased Soviet Emigration and U.S. Immigration Policy* (Santa Monica, CA: Rand Corp, 1993).

seize foreign assets and territory. The chapter focuses disproportionately on first two sections because they discuss the primary ways that American leaders have used immigration as a diplomatic instrument. It concludes by summarizing its findings.

Table 1: Foreign Policy Objectives & U.S. Immigration Policy

Foreign Policy Objective	Immigration Policy	Immigration Policy Instrument/Vehicle	Examples of Immigration Policies
Foster or Improve Relations with Foreign States	Invite/Permit Entrance of Immigrants from a Foreign State	Administrative Decree; Diplomatic Agreement; Refugee Laws; Executive Order; “Non-Policies”; “Main Gate” Immigration Laws; “One-Time” Laws	Presidents Truman through Reagan used executive authorities and legislative loopholes to permit entrance to many groups excluded from the U.S. to promote good relations with Cold War allies
Ideological/Discomfiting Weapon against Foreign States	Permit the Entrance of Immigrants from a Foreign State that Prohibits Exit of their Residents to the U.S.; Punish Immigrants of an Adversary State; Train Immigrants to Return to their Home Country to Overthrow the Government	Administrative Decree; Refugee Laws; Executive Order; Policies “Punishing” Immigrants in the U.S.; “Main Gate” Immigration Laws; “One-Time” Laws; Train Immigrants to Overthrow Home Government	Refugee Relief Act of 1953, which was identified by an NSC memorandum as designed to “encourage defection of all USSR nationals” in order to “inflict a psychological blow on Communism”
Bargaining Chip with Foreign States	Link an Immigration Policy with an Issue in another Policy Area	Administrative Decree; Diplomatic Agreement; Negotiation/Trade Agreements with Foreign States	Jackson-Vanik amendment of the 1974 U.S. Trade Act linked trade and migration by denying most-favored nation status to specified countries that restricted the emigration rights of their citizens
Unarmed Conquest of Foreign Territory or Assets	Permit U.S. Citizens to Emigrate into Foreign Territory; Force the Emigration of Groups Residing in the U.S. to Seize their Assets	“One-Time” Laws; Unofficial “Off the Record” Policies	U.S. leaders let settlers in the west migrate into territory belonging to Indian nations, which allowed the U.S. to more easily take the lands later through negotiation and war

FOREIGN POLICY OBJECTIVE #1: FOSTER, IMPROVE, OR INITIATE RELATIONSHIPS WITH OTHER STATES

U.S. leaders have used immigration policy to foster, improve, or initiate beneficial or positive relationships with foreign states. They have also blocked legislation in this area or designed policies in specific ways to avoid antagonizing another state. American leaders have done this because when a state denies or receives immigrants from another state it may improve or worsen relations with that power depending on how its leaders view the issue.¹⁴⁰

¹⁴⁰ For example, the United States Immigration Reform and Control Act of 1986 (IRCA), largely perceived at the time as domestic decision in regard to reducing illegal entrants from Mexico provoked lobbying and protests throughout Central America and the Caribbean, culminating in the nations affected by the U.S. decision taking

This is perhaps especially the case for the U.S. because its immigration decisions often have significant repercussions for other states since for many countries America is the primary destination of its emigrants.¹⁴¹

As such, the U.S. has reason to consider how foreign leaders will react to its immigration decisions. For example, leaders of sending nations may be irritated over losing skilled manpower to emigration, they may be upset over the social disruption caused by large movements of their citizens to another country, they may worry about how their former residents will be treated abroad, and they may be concerned over how other states in the international system will view the migration of their citizens to the U.S.¹⁴² Foreign leaders may also perceive it as an insult, the metaphorical equivalent of another country slamming the door on their people, if the U.S. does not permit the entrance of their citizens, or allow as many of their countrymen entrance compared to the number of people allowed to enter from other states.

For these reasons, American officials can devise immigration policies to foster, improve, initiate, or simply avoid damaging relationships with other states. Broadly speaking, U.S. leaders can use the policy area to improve relations with other countries because an open invitation from one state to another state that their people are welcome to live side by

formal steps toward a “unified diplomatic response.” Inter-American Dialogue, *The Americas in 1988: A Time for Choices* (Washington, D.C. 1988), 60; Mitchell, “International Migration, International Relations, and Foreign Policy,” 683.

¹⁴¹ As such, U.S. immigration decisions can have significant affects on the demographics, economies, and security of other countries. Robert L. Bach, “Immigration and U.S. Foreign Policy in Latin America and the Caribbean,” in *Immigration and U.S. Foreign Policy*, eds., Tucker, Keely, and Wrigley, 123. U.S. officials may perceive a small adjustment in the country’s immigration policy as a minor change in regulation, but to foreign leaders the effect of this change on the number of their citizens coming and going from their country may represent a significant percentage of their population. *Ibid.*, 123. As one scholar has noted, “for many sending societies, U.S. immigration policy brings in its wake such significant social and economic consequences that it virtually is foreign policy, whether or not it is intended to be” by American officials. Mitchell, “Introduction,” in *Western Hemisphere Immigration and United States Foreign Policy*, ed., idem, 10.

¹⁴² Nathan Glazer, “New Rules of the Game,” in *Immigration and U.S. Foreign Policy*, eds., Tucker, Keely, and Wrigley, 20.

side amongst their people is an intimate gesture in foreign relations.¹⁴³ U.S. leaders can also signal to allies or to the states that it wishes to befriend that it is serious over their relationship by allowing their people access to the country.¹⁴⁴ It is especially important for American officials to be cognizant of the link between immigration and foreign policy during times of war, when a decision made regarding the human capital of an ally may alienate or please an important international friend.

This section details the four primary policy instruments and tactics that American leaders have used to reach these types of foreign policy objectives—“main gate” legislation (major immigration laws), refugee and displaced persons laws, “special” policies (administrative decree, diplomatic agreement, and “one-time” laws), and blocking immigration legislation that could negatively affect foreign relations.

“Main Gate” Policies/Major Immigration Reform

Foreign policy objectives have played a large role in the formation of major U.S. immigration laws. This is evidenced in that they played a large role in what are typically considered the two major U.S. immigration policy decisions of the twentieth century: the Quota Acts of the 1920s—which all but closed the country’s borders for over four decades and marked the first time since the founding of the nation that the federal government overhauled the immigration system—and the Immigration and Nationality Act of 1965—which abolished the quota system and laid the legal framework upon which the immigration system in America still rests today.

¹⁴³ It indicates that a state values the friendship and relationship of another state on a level that it welcomes their people to live amongst the people of their country.

¹⁴⁴ The leaders of foreign states, or the people who elected them to office, may perceive it as an insult if American leaders request their assistance from their citizens, but do not allow them to migrate to the U.S. As this section will detail, Presidents Truman and Eisenhower made a number of attempts during the Cold War to find loopholes in the Quota acts so that they could permit entrance to many foreigners excluded by the legislation to promote good relations with international friends. Rosenblum, “Immigration and U.S. National Interest,” in *Immigration Policy and Security*, eds., Givens, Freeman, and Leal, 17.

The Quota Acts: Diplomatic considerations played a large role in the composition of the 1921, 1924, and 1929 Quota Acts, which sharply reversed the federal government's laissez-faire "open-door" policy that had been in place since the founding of the country and substantially limited immigration to the U.S. until their repeal four decades later.¹⁴⁵ These laws created an immigration system based on the "percentage quota principle," which in its final form limited the number of immigrants admitted to the U.S. from any country to two percent of the number of people from that nation who were living in America according to the 1890 census.¹⁴⁶ The effect of the legislation was immediate and sharp, as reflected in that the U.S. admitted 652,364 immigrants in 1921, but only eight years later, even before the Depression further slowed migration, the country only admitted 158,598 immigrants.¹⁴⁷ The quota acts curiously exempted countries from the Western hemisphere from their restrictions, a decision that acted to sizably boost the immigration numbers from this region, primarily because absent large-scale European immigration low-wage work vacancies emerged. This stipulation was debated during congressional deliberation and many leaders

¹⁴⁵ Describing the legislation, Zolberg explains that, "In the aftermath of World War I, the United States loudly proclaimed to the world its determination to cease being a nation of immigrants." "In one of the most spectacular displays of legislative power in American history, with two waves of its magic wand," referring to the 1921 and 1924 Quota Acts, "Congress sought to make immigration disappear." Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (Cambridge: Harvard University Press, 2006), 243. The legislation also disallowed the arrival of those immigrants ineligible for citizenship, which included primarily those from Asia. It also established a visa system to enforce its provisions, and subsequent legislation, such as the Border Patrol Act of 1925, set up more sophisticated border regulation, primarily to control unauthorized immigration from Mexico. Michael Lemay and Elliott Robert Barkan, eds., *U.S. Immigration and Naturalization Laws and Issues* (Westport, Conn.: Greenwood Press, 1999), 129; John Higham, *Strangers in the Land, Patterns of American Nativism 1860-1925* (New Brunswick: Rutgers University Press, 1955), 312; Michael C. Lemay, *Guarding the Gates: Immigration and National Security* (Westport, CT: Praeger Security International, 2006), 112-113; and Zolberg, *A Nation by Design*, 243-244.

¹⁴⁶ Lemay, *Guarding the Gates*, 118.

¹⁴⁷ Immigration to the U.S. would reach its lowest level ever recorded for the 1930-1939 decade measured in both absolute numbers and as a percentage of total population. LeMay, *Guarding the Gates*, 112-113; and Zolberg, *A Nation by Design*, 243-244.

pushed for an extension of the quota system to the region, but no major legislation was ever passed.¹⁴⁸

The reason for this was that while restrictions placed on immigration from Asia and Europe were consistent with U.S. foreign policy, or at least not antagonistic to its overall spirit, similar legislation concerning countries in the American neighborhood contradicted diplomatic objectives of the period, which prompted leaders who worked in the State Department to argue against extending the quota principle to the Western hemisphere.¹⁴⁹ Following World War I, leaders from the Republican Party, who largely controlled the U.S. foreign policy establishment during the 1920-1929 decade called for a “Return to Normalcy” and advocated an “isolationist” foreign policy. They declared that “noninvolvement in Old World affairs is not aloofness, it is security” and argued that the oceans sufficiently protected the country from overseas wars and therefore the U.S. should remain out of Asian and European affairs—a stance which conforms to an immigration policy that restricted access to immigrants from these areas.¹⁵⁰

The State Department, however, also sought to uphold the Monroe Doctrine by taking measures to keep European countries out of Western hemisphere affairs.¹⁵¹ Many leaders working within the foreign policy establishment believed that the most effective and least costly way to accomplish this objective was through policies that fostered good relations with

¹⁴⁸ Robert A Divine, *American Immigration Policy, 1924-1952* (New Haven, CT: Yale University Press, 1957), 62-63; and Zolberg, *A Nation by Design*, 257.

¹⁴⁹ There is a large body of literature on U.S. foreign policy during the 1920-1929 decade. See the historiographical overviews in Brian McKercher, “Reaching for the Brass Ring: The Recent Historiography of Interwar American Foreign Relations,” *Diplomatic History*, 15 (Fall 1991): 565-598; and Benjamin D. Rhodes, *United States Foreign Policy in the Interwar Period, 1918-1941* (Westport, Conn.: Praeger, 2001), 1-13.

¹⁵⁰ Quote in Lemay, *Guarding the Gates*, 107.

¹⁵¹ On U.S. foreign policy in regard to Latin America during the 1920-1929 decade see, for example, L. Ethan Ellis, *Republican Foreign Policy, 1921-1933* (New Brunswick, NJ: Rutgers University Press, 1968); Kenneth J. Grieb, *The Latin American Policy of Warren G. Harding* (Fort Worth, Texas: The Texas Christian University Press, 1977); Walter LaFeber, *Inevitable Revolutions: The United States in Central America* (New York: W.W. Norton & Company, 1983), 19-85; and Lester D. Langley, *The Banana Wars: An Inner History of American Empire, 1900-1934* (Lexington, Kentucky: The University Press of Kentucky, 1983).

countries in the region, since more aggressive measures such as those attempted by previous administrations proved costly, alienated countries from this region, and were unnecessary with European nations weakened by WWI.¹⁵² This view was expressed in December, 1928 with the “Memorandum on the Monroe Doctrine” (also known as the “Clark Memorandum”), which proclaimed that the Monroe Doctrine only called for the U.S. to use force in the region in the case of European intervention.¹⁵³ Consequently, U.S. leaders pursued what has been referred to as Pan-Americanism and emphasized foreign policies that promoted positive relations with neighboring countries.¹⁵⁴ As such, immigration legislation that restricted the residents of these countries from coming to America contradicted the spirit of this policy.

The comments and actions taken by leaders in the foreign policy establishment with influence over immigration policy support this conclusion. For example, President Calvin Coolidge and Secretary of State Frank B. Kellogg took a strong stand against those who were pushing for an extension of the quota principle to the Western hemisphere. Private correspondence between them noted that it is “inconceivable that for the sake of preventing a relatively insignificant migration from Mexico [a primary reason that leaders were calling for restricting Western hemisphere immigration], the undesirability of which is at least questionable, we should endanger our good relations with Canada and all of Latin America.”¹⁵⁵ Kellogg subsequently spoke before the Senate Immigration Committee, cautioning that enacting such legislation “would adversely affect the present good relations of the United States with Latin America and Canada.” He referenced consular reports that indicated that restrictive immigration legislation would be negatively received by foreign

¹⁵² Ellis, *Republican Foreign Policy*, 230.

¹⁵³ J. Reuben Clark, *Memorandum on the Monroe Doctrine* (Washington, D.C.: U.S. Government Printing Office, 1930).

¹⁵⁴ Grieb, *The Latin American Policy*, x.

¹⁵⁵ Kellogg to Coolidge, July 21, 1927, Coolidge Papers, File 133, quoted in Divine, *American Immigration Policy*, p. 60.

leaders and he declared that extending the quotas to the Western hemisphere would be “very regrettable from a point of view of international policy.”¹⁵⁶ Senators Hiram Bingham of Connecticut and Carl Hayden of Arizona similarly reminded their colleagues in Congress that the country historically treated neighboring countries more favorably than the ones of Europe and warned them “that passage of this bill would strike a blow at Pan-Americanism from which it would be very difficult to recover.”¹⁵⁷

The decision by leaders to exempt all of the countries of the Western hemisphere from the Quota restrictions illustrates the powerful effect that foreign policy considerations can play in the formation of major American immigration laws because national sentiment for closing the borders has perhaps never been stronger than as it was during the period. Robert Divine explains that the Western Hemisphere issue “marks the first permanent defeat the restrictionists had encountered. From the passage of the literacy test in 1917 down to the retention of national origins in 1929, the pressure groups which advocated the erection of barriers against the flow of immigrants into the United States had succeeded in embodying their views in legislation. They very nearly triumphed again on the [Western Hemisphere] question, but the enduring principle of Pan-Americanism proved too strong.”¹⁵⁸ Thus, the

¹⁵⁶ “Restriction of Western Hemisphere Immigration,” *Hearings before the Senate Committee on Immigration*, 70th Congress, 1st Session (Washington, DC: Government Printing Office, 1928), pp. 156, 161.

¹⁵⁷ *Congressional Record*, April 10, 1930, April 11, 1930, and April 16, 1930, quoted in Divine, *American Immigration Policy*, 63-64. A few of the major studies of the quota acts also conclude that the Western Hemisphere was exempted from the stipulations within the legislation for foreign policy purposes. Robert Divine, for example, explains that, “The vital factor in defeating the restrictionist cause was the opposition of the State Department. Appealing to the traditional ideal of Pan-Americanism, a principle which was to develop into the Good Neighbor policy in the next few years, the officials of the State Department presented a powerful case against Western Hemisphere restriction. Though unable to win over a majority of the Senate, they did convince the more responsible leaders of the House of Representatives of the dangers of the quota restrictions for neighboring countries.” Divine, *American Immigration Policy*, 66-67; Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004), 50; Zolberg, *A Nation by Design*, 268.

¹⁵⁸ Divine, *American Immigration Policy*, 66. “Thus,” Divine concluded, “it was that considerations of foreign policy, based on a long-standing ideal, prevailed over the previously dominant ideas of race and nationalism to halt the restrictionist surge.” *Ibid.*, 66.

Quota legislation, which was in place for over four decades, shows that foreign policy objectives can substantially affect the composition of the nation's immigration system.

The Immigration and Nationality Act of 1965: Similar to the Quota Acts, diplomatic considerations played a large role in the formation of the Immigration and Nationality Act of 1965, which abolished the quota system, vastly reopened the nation's doors to immigrants, and laid the framework upon which the U.S. immigration system still rests today. As a result of the legislation, the number of immigrants who came to the U.S. doubled between 1965 and 1970 and then doubled again between 1970 and 1990. The new system has also resulted in the source countries of immigration shifting from nations in Europe to ones in Asia and Latin America, which has significantly changed the ethnic composition of the U.S. over the past five decades.¹⁵⁹

Interpreters of the 1965 law often argue that ideological factors such as those underlying the Civil Rights Movement were a primary motivation behind its formation.¹⁶⁰ But many American leaders who played large roles in its creation argued vigorously for the repeal of the quota laws and the formation of a new immigration system based on foreign policy grounds. The U.S. emerged from WWII a dominant world power and along with other leading Western states competed against the Soviet Union and its satellite states in the economic and political competitions and proxy wars of the Cold War.¹⁶¹ The quota system, though acceptable to leaders responsible for foreign policy during the country's experiment with "isolationism," was a major impediment to postwar U.S. diplomatic objectives, such as

¹⁵⁹ For overviews of the Immigration and Nationality Act of 1965, see Daniel Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton, NJ: Princeton University Press, 2002), 211-218; and Michael C. LeMay, *From Open Door to Dutch Door: An Analysis of U.S. Immigration Policy Since 1820* (New York: Praeger, 1987), 109-114.

¹⁶⁰ See, for example, Gabriel J. Chin, "The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965," *North Carolina Law Review* 75 (November 1996): 273-345.

¹⁶¹ Deborah Larson, *Anatomy of Mistrust: U.S.-Soviet Relations During the Cold War* (Ithaca, NY: Cornell University Press, 1997).

fostering good relations with its allies in the fight against the Soviet Union and extending a welcoming hand to those fleeing Communist rule.

Consequently, U.S. Presidents and other leaders who worked in the foreign policy establishment began to take steps following WWII toward creating a new immigration system that culminated with the passage of the 1965 law. President Harry Truman, for example, vetoed the Immigration and Nationality Act of 1952 (more commonly referred to as the McCarran-Walter Act), which continued and reaffirmed the quota system because it was “not adequate for the present world situation,” “unrealistic in the face of world conditions,” “a constant handicap in the conduct of our foreign relations,” “irritating to our allies abroad,” likely to “perpetuate injustices of long standing against many other nations of the world,” and would “hamper the efforts we are making to rally the men of East and West alike to the cause of freedom.” He called for a new immigration system that would serve as “a fitting instrument for our foreign policy” and assist in “the conduct of our foreign relations...in the struggle for world peace.” As an example, Truman pointed out that the McCarran-Walter Act was contrary to spirit of “the North Atlantic Treaty” that the U.S. had formed “with Italy, Greece, and Turkey against one of the most terrible threats mankind has ever faced,” noting that “through this bill we say to their people: You are less worthy to come to this country than Englishmen or Irishmen...you Turks, you are brave defenders of the Eastern flank, but you shall have a quota of only 225!”¹⁶²

Truman then issued an Executive Order on September 4, 1952 that set up a Special Commission on Immigration and Naturalization to evaluate the efficacy of the current immigration system for the country’s position in the global community.¹⁶³ During its

¹⁶² “President Truman’s Message on Veto of McCarran-Walter Bill,” in Milton Konvitz, *Civil Rights In Immigration* (Ithaca, NY: Cornell University, 1953), Appendix 1, 159-171.

¹⁶³ Truman’s Executive Order noted that, “I have today established a special Commission on Immigration and Naturalization, to study and evaluate the immigration and naturalizations policies of the United States. Our immigration and naturalization policies are of major importance to our own security and to the defense of the free

proceedings, many leaders emphasized the significance of the relationship between U.S. foreign and immigration policies, exemplified by Secretary of State Dean Acheson arguing that, "Immigration, like most important facets of our national life in these times, is closely linked with our foreign policy and objectives."¹⁶⁴ A new immigration law was needed, he argued, because the present one resulted in the country's "relations being strained" with its allies, "whom the United States is dependent upon economically and militarily."¹⁶⁵ The Commission concluded by formally recommending that the nation's immigration law "should be rewritten from beginning to end" because "it ignores the real needs of the United States in domestic affairs and in foreign policies."¹⁶⁶

world....I suggested that the Congress create a representative commission of outstanding Americans to make a study of the basic assumptions of our immigration policy, the quota system and all that goes into it, the effect of our immigration and nationality laws, and the ways in which they can be brought into line with our national ideals and our foreign policy..... The problems of immigration policy are growing more pressing." Harry S. Truman, "Statement by the President Upon Issuing Order Establishing a Commission on Immigration and Naturalization," September 4, 1952, in *Public Papers of the Presidents of the United States, Harry S. Truman, 1945-1953*, 8 vols. (Washington, D.C.: United States Government Printing Office, 1966), 8:563-564, quote on 563.

¹⁶⁴ Acheson detailed the connection between U.S. foreign policy and immigration policy by explaining that, "Our immigration policy with respect to particular national or racial groups, will inevitably be taken as an indication of our appraisal of their standing in the world. It will, therefore, shape their attitude toward us and toward many of our other policies. For this reason...the first characteristic of our immigration policy should be freedom from discrimination on the basis of nationality or race. This becomes obvious when we examine some of the psychological effects that past immigration policies have had on our relations with other countries, and the effect we can reasonably expect our present policies to have when they come into force." "Hearings before the President's Commission on Immigration and Naturalization," 82nd Congress, 2nd Session, 1952, p. 1413.

¹⁶⁵ Quoted in George, "Interplay of Domestic and Foreign Considerations," pp. 200-201. Acheson explained, for example, "it is clear that United States immigration policy not only causes resentment weakening the friendship of some of our neighbors but also causes or emphasizes economic dislocations that weaken those neighbors whom we need as strong partners and who can furnish us with sites for military bases and strategic raw materials." Hearings before the President's Commission on Immigration and Naturalization, "82nd Congress, 2nd Session, 1952, p. 1414. Similarly, William Draper, the U.S. Special Representative in Europe, argued for a new immigration law more sensitive to "foreign-policy objectives." He explained that, "You may ask what relation immigration has to our...foreign policy. You may argue that immigration is a matter solely of domestic concern. Such argument may have had validity 30 years ago when the United States lived in comparative political, ideological, and geographic isolation; but it is surely no longer true in the world of today." He continued, "In endeavoring to strengthen the economic and military defense of the free world, and particularly of the North Atlantic community, we should recognize immigration policy as one of the elements in achieving economic and political stability as well as social equilibrium." Hearings before the President's Commission on Immigration and Naturalization, "82nd Congress, 2nd Session, 1952, 1488-1490, quotes on 1488, 1489. W. Averell Harriman, Director of the Mutual Security Agency, similarly observed that, "Immigration is a matter of domestic concern but, as in so many other fields, domestic policy can no longer be separated from foreign policy or from international considerations. The kind of immigration policy we adopt is a factor in the world struggle between democracy and totalitarianism." "Hearings before the President's Commission on Immigration and Naturalization," 82nd Congress, 2nd Session, 1952, 1485.

¹⁶⁶ Quoted in George, "The Interplay of Domestic and Foreign Considerations," 202.

Similar to Truman and his foreign policy advisers, members of the next two presidential administrations continued to advocate immigration reform on diplomatic grounds. For example, Eisenhower and Secretary of State John Foster Dulles argued that there was an “urgent need” to form a new law because the manner in which the quota system discriminated amongst foreign states is negatively “felt in our relationships with friendly nations every day” and “particularly awkward and difficult to explain” to allies.¹⁶⁷ Consequently, Eisenhower sent a special message to Congress in March 1960 requesting reform of the immigration system.¹⁶⁸ Similarly, President Kennedy, who is commonly associated with advocating immigration reform for moral reasons, also recognized that a new law was needed for foreign relations, arguing that the present system was creating many “problems of fairness and foreign policy.”¹⁶⁹

Soon after taking office following Kennedy’s assassination, President Johnson led the legislative movement that culminated in the passing of the 1965 legislation. Similar to previous presidential administrations, he called for reform based on diplomatic grounds, arguing that, “Relationships with a number of countries, and hence the success of our foreign policy, is needlessly impeded” by America’s current immigration laws.¹⁷⁰ A content analysis of Johnson’s comments regarding the formation of the new immigration system also supports this claim, finding evidence of “double-speak” in his remarks regarding reform. He packaged the law to the public by emphasizing humanitarianism and domestic benefits, but called for it

¹⁶⁷ Quoted in *Congress and the Nation, 1945-1964: A Review of Government and Politics in the Postwar Years* (Washington, DC: Congressional Quarterly Service, 1965), p. 229.

¹⁶⁸ George, “Interplay of Domestic and Foreign Considerations,” 203.

¹⁶⁹ He was confident, however, that reforms that he proposed would provide a solution by “eliminat[ing] discrimination between peoples and nations.” “Text of President John F. Kennedy’s Proposals to Liberalize Immigration Statues, July 23, 1963,” in John F. Kennedy, *A Nation of Immigrants* (New York: Harper & Row, Publishers), appendix D, pp. 102-107. More than fifty Congressmen, responding to Kennedy’s comments and calls to legislative action regarding immigration, introduced bills based on his proposals prior to his assassination. George, “Interplay of Domestic and Foreign Considerations,” 206.

¹⁷⁰ “Text of President Johnson’s Jan. 13 Immigration Message,” in *Congressional Quarterly, Weekly Report* 23 (January 15, 1965), 79.

with his Cabinet and those in Congress responsible for its formation based on foreign policy grounds.¹⁷¹

Other leaders also argued for a new immigration system for reasons related to foreign policy. For example, Secretary of State Dean Rusk explained during congressional proceedings regarding the legislation that the role that the U.S. assumed in the international community after WWII demanded an immigration policy reflective of its position. “What other peoples think about us,” he argued, “plays an important role in the achievement of our foreign policies.” “More than a dozen foreign ministers,” he explained, “have spoken to me in the last year alone, not about the practicalities of immigration from their country to ours, but about the principle which they interpret as discrimination against their particular countries.” “I would think that it would be possible for the Congress to devise a policy that would be good for us internally, and welcomed and respected by countries all over the world...even those [countries] who do not use their quotas...resent the fact that the quotas are there as a discriminatory measure.”¹⁷² Attorney General Robert F. Kennedy supported Rusk’s conclusion, declaring that the country’s present immigration system “is a source of embarrassment to us around the world” and “poorly reflects the needs of our own citizens and of our foreign policy.”¹⁷³

Soon after these hearings, the 1965 legislation was passed by Congress and signed into law by Johnson. The provisions stipulated in it indicate that the foreign policy concerns first voiced by Truman and repeated by subsequent leaders were factored into the law. It abolished the quota system and provided more equitable opportunities for people from all of

¹⁷¹ George, “Interplay of Domestic and Foreign Considerations,” 212-213.

¹⁷² Dean Rusk, July 2, 1964, U.S. Congress, House of Representatives, Committee on the Judiciary, *Immigration: Hearings before Subcommittee No. 1 of the Committee on the Judiciary*, 88th Congress, 2nd Session (Washington, DC: U.S. Government Printing Office, 1964), 385-408. See also George, “Interplay of Domestic and Foreign Considerations,” 209; and Rusk, “Foreign Policy Aspects of U.S. Immigration Laws,” *U.S. Department of State Bulletin* 51 (1964): 98-101.

¹⁷³ House, *Hearings before Subcommittee No. 1 of the Committee on the Judiciary*, 88th Congress, 2nd Session, 1964, 410-438, quotes on 409, 411.

the countries of the world to come to the U.S., thus ending the blatant discrimination inherent in the old immigration system that leaders argued was damaging foreign relations.¹⁷⁴ Many analyses of the 1965 legislation emphasize the spirit of the Civil Rights movement as underlying its creation, but the comments by leaders in this section indicate that many advocated reform and a more “open” immigration to improve foreign relations. The more likely explanation for the passing and long-term staying power of the law is that it met the domestic and diplomatic needs of the U.S.

Refugee/Displaced Persons Legislation

A new type of immigration policy instrument, alternatively referred to as displaced persons, emergency migrant, or refugee policies, appeared in the postwar period to ostensibly serve as a humanitarian tool to provide safe haven in the U.S. to foreign nationals facing hardship or persecution in the international community. But as many studies have detailed the U.S. offered its benevolence with a “calculated kindness,” primarily permitting passage to those refugees whose entrance served Cold War foreign policy objectives.¹⁷⁵

A few statistics provide an indication of this conclusion. For example, approximately 80 percent of the 212,000 European refugees who were admitted during the first five years after World War II arrived from Eastern bloc countries, with the largest sending nations including Latvia, Lithuania, Poland, and the Soviet Union.¹⁷⁶ Similarly, during the 1960s, 1970s, and 1980s, hundreds of thousands of refugees were welcomed from Communist countries such as Cuba, Hungary, and Vietnam, but refugees from nations with right-wing

¹⁷⁴ On the main provisions stipulated in the 1965 Immigration and Nationality Act, Tichenor, *Dividing Lines*, 215-216.

¹⁷⁵ Loescher and Scanlan, *Calculated Kindness*; Koehn, *Refugees from Revolution*; Teitelbaum, “Immigration, Refugees, and Foreign Policy”; idem, *Right versus Right*; Zolberg, Suhrke, and Aguayo, *Escape from Violence*; and Zucker and Zucker, *Desperate Crossings*.

¹⁷⁶ Sharon Stanton Russell, “Migration Patterns of U.S. Foreign Policy Interest,” in *Threatened Peoples, Threatened Borders*, eds., Teitelbaum and Weiner, 47.

governments such as those in Guatemala, Haiti, and El Salvador were denied entrance.¹⁷⁷

This is reflected in that approximately 97 percent of refugees permitted entrance during the 1971-1980 decade arrived from Communist countries, and although the Refugee Act of 1980 was designed to end preferential treatment of refugees, nearly 95 percent of the refugees permitted entrance during the 1981-1990 decade again arrived from Communist countries.¹⁷⁸

As these numbers suggest, U.S. leaders used refugee policy during the Cold War as part of a larger foreign policy agenda that included pleasing allies, striking an ideological blow against communism, and recruiting foreign nationals to serve as militants or spies against communist countries (e.g., Bay of Pigs Invasion).¹⁷⁹ In regard to pleasing allies, U.S. leaders have done this through assisting them with crises by taking in their refugees. For example, the Immigration Commission that helped devise the Displaced Persons Act of 1948, which was designed to assist the millions of people displaced by WWII by providing homes for over 100,000 of them in the U.S., openly admitted to using a humanitarian instrument to strengthen Cold War alliances, publicly proclaiming that the legislation “advanced our foreign policy, strengthened our NATO Allies, and improved our own domestic economy.”¹⁸⁰ Similarly, Bedell Smith, the Acting Secretary of State, explained that the Refugee Relief Act of 1953, legislation which was also ostensibly created to assist with displaced people in Europe, was needed because it “would be strengthening the internal soundness of our NATO

¹⁷⁷ See Loescher and Scanlan, *Calculated Kindness*, esp. 85, 209-219.

¹⁷⁸ Russell, “Migration Patterns of U.S. Foreign Policy Interest,” in *Threatened Peoples, Threatened Borders*, eds., Teitelbaum and Weiner, 49.

¹⁷⁹ American leaders use of refugee legislation for foreign policy objectives is discussed in greater detail in the next part of this chapter because comments by officials indicate that it has been primarily used to “punish” adversary states, most notably the Soviet Union and its satellite states during the Cold War. (The section is titled, “Foreign Policy Objective #2: Punish Adversary States.”)

¹⁸⁰ United States Displaced Person Commission, *Memo to America: The DP Story; The Final Report of the United States Displaced Persons Commission* (Washington, DC: U.S. Government Printing Office, 1952), 316. On the Displaced Persons Act, Divine, *American Immigration Policy*, pp. 110-145; and Zolberg, *Nation by Design*, 303-308.

allies and our friends in Europe as we continue in our common efforts to create effective defenses against threats of external military aggression.”¹⁸¹

U.S. leaders have also attempted to “please” or avoid antagonizing allies through inaction in this area, notably by not accepting refugees suffering at the hands of governments supported by or aligned with America. For example, American officials “assisted” Cold War allies governed by oppressive right-wing leaders such as Jean-Claude Duvalier in Haiti and Augusto Pinochet in Chile by denying entrance to their persecuted citizens, even as they concurrently accepted large numbers of refugees fleeing neighboring Communist countries such as Cuba.¹⁸² Consequently, as the examples in this section illustrate, U.S. leaders will go to great lengths to use immigration policy to reach foreign relations objectives, even accepting or denying refugees for strategic purposes.

“Special” Agreements and Policies

U.S. leaders have passed “one-time” legislation, entered into diplomatic arrangements with other nations, and designed immigration policies in specific ways to please foreign states.

“One-Time” Legislation: U.S. leaders have devised “one-time” legislation to please foreign allies. For example, the U.S. during WWII entered into an alliance with China after Japan bombed Pearl Harbor, but legislation in place at the time did not permit the entrance of Chinese immigrants to America.¹⁸³ Generalissimo Chiang Kai-shek of China indicated that

¹⁸¹ Smith identified allies that the legislation would “please.” He noted, for example, that, “The openings provided in the United States for 20,000 immigrants from the Netherlands in the next 2 years would not only be regarded as a most friendly gesture but would do much to strengthen the economy of one of our staunchest allies....The admission into the United States of an additional 20,000 Greeks would considerably ease the burden on the local economy and strengthen the bonds between this country and Greece which stands so courageously on the easternmost flank of our defenses.” Walter Bedell Smith, Acting Secretary of State, “President’s Proposal for Admission of European Migrants,” *Department of State Bulletin* 28, No. 729 (June 15, 1953), 857-859, quotes on 858-859.

¹⁸² See Loescher and Scanlan, *Calculated Kindness*, esp., 85, 209-219.

this treatment was inappropriate for a war ally and Japanese leaders attempted to exploit the matter by spreading propaganda in China showing that such behavior demonstrated that the U.S. was not serious about its commitment. President Roosevelt and many other leaders quickly called for a policy change, arguing that such exclusion was inappropriate for an important ally, which led to Congress passing legislation in 1943 that allowed a small number of Chinese to come to America.¹⁸⁴ Similarly, U.S. leaders also devised during this period legislation to “please” India, another WWII ally, which allowed a token number of their nationals to come to America.¹⁸⁵

Diplomatic Agreements: American officials have entered into diplomatic agreements with foreign leaders regarding immigration to foster favorable relations. For example, the most notable known incident of this type of arrangement was the secret “Gentleman’s Agreement” that President Theodore Roosevelt formed in 1907 with Japan regarding immigration.¹⁸⁶ The origins of the agreement stem from Japanese citizens starting to come to the west coast in large numbers during the late nineteenth century, prompting many Californians, motivated primarily by economic concern and xenophobia to call for the end of

¹⁸³ The following discussion legislation regarding Chinese immigration is based on, Chin, “The Civil Rights Revolution Comes to Immigration Law,” 282-286; Fred W. Riggs, *Pressures on Congress: A Study of the Repeal of Chinese Exclusion* (New York: King’s Crown Press, 1950); and Zolberg, *Nation by Design*, 290.

¹⁸⁴ Roosevelt, for example, considered the “legislation as important in the cause of winning the war and of establishing a secure peace.” Representative Walter Judd similarly commented regarding the necessity of the legislation that, “We are sacrificing American lives insofar as we fail to mobilize fully the will and the confidence of so indispensable an ally [China]. I do not want on my hands the blood of a single additional American soldier who had to die in China because we failed here to show our purpose to treat the Chinese as equals, and thereby weakened China’s morale and will to fight offensively.” Quoted in Chin, “The Civil Rights Revolution Comes to Immigration Law,” 283n, 285n.

¹⁸⁵ E.P. Hutchinson, *Legislative History of American Immigration Policy, 1798-1965* (Philadelphia, PA: University of Pennsylvania Press, 1981), 264-265, 268-270, 272-273; and Zolberg, *Nation by Design*, 290.

¹⁸⁶ This section draws from, Raymond Leslie Buell, “The Development of the Anti-Japanese Agitation in the United States,” *Political Science Quarterly* 37 (December 1922): 605-638; Robert Divine, *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion* (Gloucester, MA, 1966), 31-45; George, “The Interplay of Domestic and Foreign Considerations,” 97-98; Masuda Hajimu, “Rumors of War: Immigration Disputes and the Social Construction of American-Japanese Relations, 1905-1913,” *Diplomatic History* 33 (January 2009): 1-37; Kiyo Sue Inui, “The Gentlemen’s Agreement. How It Has Functioned,” *Annals of the American Academy of Political and Social Science* 122 (November 1925): 188-198; and Charles E. Neu, *An Uncertain Friendship: Theodore Roosevelt and Japan, 1906-1909* (Cambridge, MA: Harvard University Press, 1967).

their immigration. An anti-Japanese movement gained momentum amongst Americans and culminated in the San Francisco School Board issuing an order in 1906 that segregated Chinese, Japanese, and Korean children in public schools. Japanese leaders were irritated because of the poor treatment of their people, but perhaps more so because they feared humiliation in the international community if a western state such as the U.S. banned entrance of their immigrants.

Secretary of State Elihu Root was aware of the negative implications of the action for U.S.-Japan relations and promptly telegraphed the American Ambassador to Japan, Luke Wright, with orders to reassure Japan's leaders that the federal government "would not for a moment entertain the idea of treatment of the Japanese people other than that accorded to the people of the most friendly European nations."¹⁸⁷ President Roosevelt then gave Secretary Root the authority to "use the armed forces of the United States to protect the Japanese in any portion of this country if they are menaced by mobs."¹⁸⁸ The President also warned Congress in December 1906 that, "To shut them [Japanese] out of the public schools would be a wicked absurdity" and he persuaded the members of the San Francisco School Board to annul the segregation policy.¹⁸⁹

Anti-Japanese sentiment, however, continued to intensify amongst Americans and members of Congress moved to tack on a ban on Japanese immigration to the Immigration Act of 1907. Roosevelt realized that such a stipulation was unavoidable so he worked with a few key members of Congress and met secretly with the Japanese Ambassador regarding the matter. The "arrangement" that Roosevelt reached with these parties was that a vaguely worded amendment was attached to the immigration law that authorized the President to

¹⁸⁷ *United States Annual Report of the Commissioner General of Immigration* (Washington, D.C.: Government Printing Office, 1908), 126.

¹⁸⁸ Roosevelt to Root, October 29, 1906, in *The Letters of Theodore Roosevelt*, ed., Elting E. Morison, 5 vols. (Cambridge: Harvard University Press), 484, referenced in Daniels, *The Politics of Prejudice*, 37.

¹⁸⁹ Quoted in Daniels, *The Politics of Prejudice*, 38.

restrict Japanese immigration, but it was written in a manner that would not overly embarrass or offend Japan. Roosevelt in a series of six private notes with the Japanese Ambassador that were not made public until 1939 had reached a secret arrangement, the “Gentleman’s Agreement,” over immigration that he perceived as limiting damage to U.S.-Japan relations.¹⁹⁰

Policy Implementation: U.S. officials have intentionally devised or implemented immigration policies in specific ways to avoid unnecessarily antagonizing foreign states.

For example, northern leaders during the Civil War devised policies to attract immigrant labor because they faced worker shortages due to the large number of men fighting.¹⁹¹ Most notably, Congress passed legislation in 1864 including the Act to Encourage Immigration that authorized European immigrants to formally bind their labor for one year in exchange for free transportation to the country—a formerly illegal option that allowed many foreigners to come to the U.S. who otherwise could not have afforded the journey.¹⁹² Secretary of State William Seward took steps to ensure that Congress devised the legislation in this manner, opposed to having the U.S. government directly provide financial assistance to immigrants, because he feared that doing so would anger European leaders, perhaps

¹⁹⁰ For the notes see, U.S. Department of State, *Foreign Relations of the United States, 1924* (Washington, DC, 1939), 339-369.

¹⁹¹ As the war deepened, for example, and it grew more apparent that a quick victory was unlikely, Lincoln signed into law the Homestead Act in May, 1862 which offered 160 acres of free land to American citizens and foreigners (assuming upon acceptance that they filed a declaration for U.S. citizenry) who worked it for five years. Although “the stated purpose of the legislation was not to encourage European immigration...Secretary of Treasury Salmon Chase and Secretary of State William Seward saw it as a means of doing just that,” as reflected in the fact that they had U.S. consular officials spread pamphlets advertising the benefits of the legislation throughout Europe. Tichenor, *Dividing Lines*, quote on 66. See also Paul W. Gates (with Robert W. Swenson), *History of Public Land Law Development* (Washington, D.C.: U.S. Government Printing Office, 1968), 390-399; C. Erickson, *American Industry and the European Immigrant, 1860-1885* (Cambridge: Harvard University Press, 1957), 8; and Zolberg, *A Nation by Design*, 169.

¹⁹² Lincoln declared that such a policy was needed because “our immigrants [are] one of the principal replenishing streams which are appointed by Providence to repair the ravages of internal war and its wastes of national strength and health.” See Tichenor, *Dividing Lines*, 66-67; and Zolberg, *A Nation by Design*, 168-175.

prompting them to support the Confederacy.¹⁹³ This example thus illustrates U.S. leaders forming the particulars of immigration policy based on diplomatic calculations.

Another example that illustrates U.S. leaders implementing policies in specific ways to avoid irritating foreign states is in regard to Mexican immigration during the 1930s.¹⁹⁴ States in the western hemisphere, as previously discussed, were exempt from the immigration restrictions under the 1921, 1924, and 1929 Quota Acts because U.S. leaders sought to uphold the spirit of Pan-Americanism and did not want to sour relations with neighboring countries. Several congressmen, however, proposed legislation to limit immigration from Mexico out of xenophobia and concern over an unmanageable “flood” of nationals from their southern neighbor absent large-scale European immigration.

State Department leaders were opposed to immigration restrictions on any Western hemisphere country, but realized that action regarding the issue was unavoidable because of determined congressmen. They thus sent special instructions in January 1929 to American consuls in Mexico ordering them to apply more stringently the standards set by law for admission to the United States, such as the contract labor provision and the literacy test, which resulted in Mexican immigration falling by over sixty-eight percent within a year.¹⁹⁵ The State Department chose to reduce immigration from its southern neighbor in this manner opposed to “formal” legislation because it feared that to overtly “single out Mexico for discriminatory treatment would have serious repercussions on American relations” with Latin

¹⁹³ Zolberg, *Nation by Design*, 171.

¹⁹⁴ The following discussion regarding Mexican immigration is based on, Divine, *American Immigration Policy*, 61-66; and Zolberg, *Nation by Design*, 267-270.

¹⁹⁵ Divine, *American Immigration Policy*, 63. The State Department announced in 1930 that its new policy was achieving its desired effect, stating in a press release that, “proper enforcement of existing immigration laws can and will be maintained in the future, in Mexico as in other countries, so as to prevent effectively the recurrence of conditions existing a few years ago, when the recorded admissions of Mexican laborers were very high. *Ibid.*, 63. The U.S. also used administrative decree during the 1930s to limit immigration from all over the world. See Divine, *American Immigration Policy*, 77-91; and Tichenor, *Dividing Lines*, 150-175.

America countries.¹⁹⁶ As this example illustrates, U.S. leaders can implement immigration policies in particular ways to achieve diplomatic ends.

“Non-Policies”

U.S. leaders have delayed or prevented the passing of immigration legislation that could displease foreign states. Legislation regarding Chinese restriction and the literacy test provide prominent examples of this type of policy occurrence.

Chinese Restriction: The passage of the Chinese Exclusion Act of 1882—which banned the entrance of nationals from China for over sixty years until 1943 and marked one of the first times that the federal government intervened with immigration—was delayed by several years by U.S. presidents concerned that it would damage Sino-U.S. relations.¹⁹⁷ Chinese citizens started coming to the country in large numbers in 1848 following the Gold Rush, and although their labor was initially welcomed, many Californians in the 1870s called for restricting their entrance to the U.S. after the economy faltered. Congress in response passed the “Fifteen Passenger” bill in March 1879, which sought to limit Chinese immigration by making it illegal for a vessel to carry more than fifteen of their nationals to the U.S, but President Hayes ended the bill through veto. Congress attempted again to restrict Chinese immigration in March 1882 by passing legislation that provided for a twenty-year ban on their nationals, but President Arthur killed the bill with a veto.

Hayes and Arthur prevented the passage of these acts because they violated the principles of the U.S-Sino Burlingame Treaty of 1868 that stipulated that Chinese citizens

¹⁹⁶ “Restriction of Immigration from the Republic of Mexico,” *House Report No. 1594*, 71st Congress, 2nd Session (Washington, 1930), 1-7. The quote is from Divine, *American Immigration Policy*, 65.

¹⁹⁷ The following discussion on the Chinese Exclusion Act is based on, Mary Coolidge, *Chinese Immigration* (New York: H. Holt and Co., 1909); George, “The Interplay of Domestic and Foreign Considerations,” 80-94; Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill: University of North Carolina Press, 1998); Shirley Hune, “The Issue of Chinese Immigration in the Federal Government,” PhD Dissertation, George Washington University, 1979; Riggs, *Pressures on Congress*; and Lucy Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995).

would receive the same rights in the U.S. as Americans had been receiving in China.¹⁹⁸ For example, Hayes publicly noted that, “I can not but regard the summary disturbance of our existing treaties with China as greatly more inconvenient to much wider and more permanent interests of the country. I have no occasion to insist upon the more general considerations of interest and duty which sacredly guard the faith of the nation, in whatever form of obligation it may have been given.”¹⁹⁹ This comment is also consistent with his private correspondence, in which he explains that, “Our countrymen on the Pacific Coast with great unanimity and with utmost earnestness desire a change in our relations with China.” “As I see it, our treaty with China forbids me to give it my approval.” “We should deal with China in this matter precisely as we expect and wish other nations to deal with us.” “We stand for the sacred observances of treaties. We abrogate without notice, without negotiation, the vital articles of a treaty of our own seeking, and, it may be truthfully said, of our own making. No precedent for such action except in cases which justify war.”²⁰⁰

Similarly, President Arthur explained that the legislation was contrary to the spirit of the Burlingame Treaty, noting that, “A nation is justified in repudiating its treaty obligations only when they are in conflict with great paramount interests.” “These rules,” he continued, “have governed the United States in their past intercourse with other powers as one of the family of nations.” He continued, “The present treaty relations [the Burlingame Treaty]

¹⁹⁸ The Burlingame Treaty stated that, “Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities and exemptions in respect to travel and residence as may be enjoyed there by the citizens or subjects of the most favored nation. And reciprocally, Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities and exemptions in respect to travel or residence as may be enjoyed by the citizens or subjects of the most favored nation.” Article VII of the Burlingame Treaty, quoted in George, “Interplay of Domestic and Foreign Considerations,” 85.

¹⁹⁹ Rutherford Hayes, “Veto Message,” March 1, 1879, in *A Compilation of the Messages and Papers of the Presidents, 1789-1897*, ed., James D. Richardson, 10 vols. (Washington, DC: Government Printing Office, 1898), 7:514-520, quote on 519.

²⁰⁰ Rutherford Hayes, Diary Entry, February 23, 1879, in Charles Richard Williams, *Diary and Letters of Rutherford Richard Hayes: Nineteenth President of the United States*, 3 vols. (New York, Kraus Reprint Co., 1971 [1924]), 3:523-524. See also the discussion in Coolidge, *Chinese Immigration*, 139-140; George, “Interplay of Domestic and Foreign Considerations,” 90-91; and Hune, “The Issue of Chinese Immigration,” 75-93. Secretary of State William Evarts was also adamantly opposed to Chinese restriction on diplomatic grounds. See *Ibid*, 88-89.

between [China] and the United States spring from an antagonism which arose between our paramount domestic interests and our previous relations.” “I regard this measure [Chinese exclusion],” Arthur concluded, “as a breach of our national faith, and being unable to bring myself in harmony with the views of Congress on this vital point the honor of the country constrains me to return the act.”²⁰¹

Legislation restricting entrance to Chinese nationals was eventually passed in May 1882, but as these comments indicate the passage of an immigration law was delayed for several years due to diplomatic concerns.

Literacy Test Law: Similar to the Chinese Exclusion Act, the enactment of the infamous “literacy test” law was delayed for nearly two decades due to foreign policy concerns. The sources of immigration from Europe toward the end of the nineteenth century had shifted from countries in the northern and western parts of the continent to ones in the southern and eastern areas of Europe, prompting many Americans, motivated primarily by economic and xenophobic reasons, to advocate restricting access to the “new” immigrants.²⁰² Congress responded in 1896 by passing the literacy test bill, which provided for the exclusion of any immigrant unable to read forty words in any language—legislation that was implicitly designed to curb the “new” immigration, since it was widely known that many of the foreigners coming from countries deemed “undesirable” could not pass the test. This legislation, however, was blocked from passage by a veto in 1897 from President Grover Cleveland, and though similar literacy bills were passed by Congress two more times in the

²⁰¹ Chester Arthur, “Veto of Chinese Exclusion Act,” April 4, 1882, in *James A. Garfield, 1831-1881; Chester A. Arthur, 1830-1886: Chronology—Documents—Bibliographical Aids*, eds., Howard B. Furer and Howard F. Bremer (Dobbs Ferry, NY: Oceana Publications, Inc., 1970), 91-93, quotes on 91-92. See also the discussion in Hune, “The Issue of Chinese Immigration,” 163-168. Shortly before delivering this message, Arthur’s Secretary of State Frederick Frelinghuysen had been privately warned by a Chinese diplomat that its passage would strain foreign relations between the two states. Hune, “The Issue of Chinese Immigration,” 164-165.

²⁰² The “new immigration” was largely from Russia, Italy, Poland, Austria, Hungary, Greece, Turkey, Portugal, Spain, and the Balkan countries. Immigrants prior to 1890 had arrived largely from northwestern European countries, particularly Great Britain, Germany, and Scandinavia.

next eighteen years they were again successfully killed by vetoes in 1913 and 1915 from Presidents William Howard Taft and Woodrow Wilson.

The Presidents prevented passage of the literacy test because they feared its negative affect on foreign relations. For example, President Cleveland explained that, “It was a radical departure from our national policy.” “When we consider the bill in connection with our long northern frontier and the boundaries of our States and Territories, often but an imaginary line separating them from the British dominions, and recall the friendly intercourse between the people who are neighbors on either side, the provisions of this bill affecting them must be regarded as illiberal, narrow, and un-American. Such unfriendly legislation could hardly fail to provoke retaliatory measures.”²⁰³ Similarly, President Wilson argued that the literacy test “might lead to very delicate and hazardous diplomatic situations” and he thus concluded that, “I dare say that these [international] consequences were not in the minds of the proponents of this provision [the literacy test], but the provision separately and in itself renders it unwise for me to give my assent to this legislation in its present form.”²⁰⁴

Congress finally passed “literacy test” legislation in 1917 over another veto by Wilson, but as the comments by the Presidents indicate its enactment was delayed by twenty years due to concern over its affect on foreign relations.

²⁰³ Quoted in John T. Woolley and Gerhard Peters, *The American Presidency Project* [online]. Santa Barbara, CA, available at, <http://www.presidency.ucsb.edu/ws/?pid=70845>.

²⁰⁴ Wilson feared in particular that the literacy test “so applied and administered, would oblige the officer concerned in effect to pass judgment upon the laws and practices of a foreign government....This would, to say the least, be a most invidious function for any administrative officer of this Government to perform, and it is not only possible, but probable, that very serious questions of international justice and comity would arise between this Government and the Government or Governments thus officially condemned should its exercise be attempted.” Wilson’s veto message is printed in *The Messages and Papers of Woodrow Wilson*, ed., Albert Shaw (New York: The Review of Reviews Corporation, 1924), 356-358, quotes on 357-358. Wilson also explained that the bill “embodies a radical departure from the traditional and long-established policy of this country, a policy in which our people have conceived the very character of their government to be expressed, the very mission and spirit of the Nation in respect of its relations to the peoples of the world outside their borders.” *Ibid.*, 95.

FOREIGN POLICY OBJECTIVE #2: PUNISH ADVERSARY STATES

A state can devise immigration policies to serve as “discomfiting” or ideological weapons against foreign states.²⁰⁵ For one, a state can form legislation that allows or encourages migration to it from a nation that prohibits or discourages exit of their residents to their territory in order to embarrass or weaken the foreign regime. When a state loses its people through migration to an adversary nation it can be perceived as a sign of weakness in the international community that their residents would rather reside amongst the “enemy” than live in their native home.²⁰⁶ A state can also lose valuable manpower such as skilled laborers to an adversary state through immigration. Second, a state can rebuff a foreign nation by denying entrance to its citizens in order to signal that it disapproves of its policies or embarrass it in the global community. Third, a state can form policies that burden, disadvantage, or harm the immigrants of an enemy nation to “attack” that state. And fourth, a state can admit immigrants to train them to return to their home country and attempt to remove the regime in power.

U.S. leaders have historically attempted to carry out these types of foreign policy objectives through its legislation and policies pertaining to refugees—a precedent that many analysts have correctly identified as irresponsible since policies in this area are ostensibly designed to assist those suffering severe hardship in the international community. Though to a lesser degree, American officials have also attempted to punish adversary states through “main gate” immigration legislation, measures disadvantaging or harming the immigrants of an enemy state, and training refugees to return to their country of origin and remove the ruling party. This section details and provides examples of these policy instruments and

²⁰⁵ Teitelbaum, “Immigration, Refugees, and Foreign Policy,” 445.

²⁰⁶ The movement of people, especially in large numbers or of those consisting of certain minority groups such as professionals, from an enemy state to America can be viewed as a vote of no confidence from their people and suggests that the economy or values of that society are “inferior” to those of the U.S. Weiner, “On International Migration and International Relations,” 447.

measures, focusing disproportionately on refugee policies since they are what U.S. leaders have historically used to “punish” foreign states.

Displaced Persons/Refugee Policies

U.S. leaders have historically turned to refugee policies to “weaken” adversary states. Policies purportedly created to assist refugees, alternatively referred to as displaced person, emergency migrant, and refugee policies, were first devised by U.S. leaders in response to the massive displacement of people caused by WWII and have been subsequently used in the postwar period to provide safe haven to those suffering in the world. But American officials have at times been highly selective in regard to who they offer the country’s benevolence, with over 90% of the refugees accepted during the Cold War originating from communist countries, whereas others in the international community suffering during this period under the hands of right-wing dictators such as Duvalier in Haiti and Pinochet in Chile were not welcomed under American refugee policies.

U.S. leaders reasoned that admitting immigrants fleeing communist rule demonstrated the bankruptcy of the communist system and struck an ideological blow to the Soviet Union and its satellite countries. The U.S. has since the fall of the Soviet Union more equitably offered refugee spots to those suffering in the world, but as policy during the Cold War demonstrates, American officials will use refugee measures as a foreign policy “weapon” when geopolitical threat is perceived high. The primary policy instruments employed by U.S. leaders for these purposes were “one-time” laws and executive parole.

“One-Time” Laws: The first time that U.S. leaders devised federal legislation to assist distressed or persecuted people in the international community was the Displaced Persons (DP) Act of 1948, which was amended and expanded upon with related legislation in 1950,

with the combined laws allowing approximately 410,000 refugees to come to the U.S.²⁰⁷ The legislation was created in response to the population displacement caused by WWII, which is estimated to have uprooted approximately thirty million Europeans over the course of the war and left at its end approximately eight million displaced persons in Austria, Germany, and Italy.²⁰⁸ Many of these people had fled persecution by Communist governments in central and eastern Europe, as exemplified by the Polish Jews who escaped anti-Semitic pogroms in Poland in 1945-1946 that killed around 2,000 people.²⁰⁹

The DP legislation was presumably designed to serve as a humanitarian instrument to assist those suffering in Europe like the Polish Jews, but “as Soviet-American confrontation became more apparent in 1947 and 1948, poisoning East-West relations in Germany and promoting fears of a new Soviet military offensive, the DP issue became...firmly enmeshed in cold war politics.”²¹⁰ The Soviet Union instituted a blockade of Berlin in June 1948, created the German Democratic Republic, assumed greater control over Czechoslovakia and Hungary, and detonated an atomic bomb for the first time—actions perceived alarmingly by American leaders. The U.S. similarly authorized \$5 billion in Marshall Plan aid, formed the NATO alliance, and assisted in the creation of the Federal Republic of Germany—actions perceived threateningly by Soviet leaders.²¹¹ The budding Cold War conflict quickly extended to the

²⁰⁷ On the displaced persons legislation see Divine, *American Immigration Policy*, 110-145; Loescher and Scanlan, *Calculated Kindness*, 1-24; Harry Francis Mullaly, “United States Refugee Policy, 1789-1956: A Study of the Traditional Policy of Asylum for Political, Racial or Religious Refugees,” unpublished dissertation, April 1, 1959, New York University; and Zolberg, *Nation by Design*, 303-308. Prior to the Displaced Persons Act, American immigration law did not distinguish between economic migrants and refugees. Persecuted groups were largely welcomed in the U.S. during the “open-door” period from the founding of the country to approximately 1917, but were frequently turned away once the quota legislation of the 1920s severely restricted entrance to immigrants. For discussion of U.S. policies toward refugees prior to WWII, see Mullaly, “United States Refugee Policy,” esp. 31-93.

²⁰⁸ Divine, *American Immigration Policy*, 110; and Zolberg, *Nation by Design*, 303-304.

²⁰⁹ Loescher and Scanlan, *Calculated Kindness*, 8-9.

²¹⁰ *Ibid.*, 18.

²¹¹ Divine, *American Immigration Policy*, Loescher and Scanlan, *Calculated Kindness*, 22-23.

refugee issue and the Soviets demanded that displaced Eastern Europeans return to their “home” countries, many of which were governed under communist systems, while American officials argued that refugees should be granted a choice in where they chose to reside.²¹²

U.S. leaders viewed the refugee issue as an ideological referendum on communism and as an opportunity to demonstrate the bankruptcy of the Soviet system by having displaced people “vote on their feet.” For example, Senator Alexander Wiley, the former chairman of the Senate Judiciary Committee, was initially against the DP legislation because he feared that refugees would take domestic jobs away from his constituents, but he changed his mind and supported the 1950 amendment on the grounds that, “It is a fact that America stands as the leader of free nations and that all the peoples of the world will be looking to her for leadership in this field for displaced persons legislation. If we revise this law speedily and equitably, it will be a real inspiration to all free people. It will be a weapon in our ideological war against the forces of darkness, the forces of Communist tyranny, which try to portray America as a ‘bloodthirsty, cold, vicious, imperialistic nation.’”²¹³ Similarly, other Congressional members noted that the issue constituted “a battle of ideologies abroad” and would “represent an important element in our foreign policy” because the DP law welcomed those who were “still risking their lives behind the Iron Curtain.”²¹⁴ And the official report on

²¹² Divine, *American Immigration Policy*, 111. The Soviet Union, for example, argued that “the refugee camps of the West had become centers of anti-communist propaganda; that the refugees were being used as forced laborers and as mercenaries; and that the West intended to enrich itself by resettling the so-called refugees to the countries of the world making the highest bid for their labor.” Malcolm Proudfoot, *European Refugees: 1939-52; A Study in Forced Population Movement* (London: Faber and Faber, 1957), 401, quoted in Loescher and Scanlan, *Calculated Kindness*, 16.

²¹³ “Amending the Displaced Persons Act of 1948,” United States Congress, House Committee on the Judiciary, *Hearings before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives, March 2, 4, and 9, 1949*, 81st Congress, 1st Session (Washington, D.C.: Government Printing Office, 1949), p. 25. Representative Harold Donohue hinted at the strategic calculation underlying America’s “humanitarianism” with the Displaced Persons Act when he explained that, “We are engaged in, and planning to extend, an ambitious program of aid to European nations resisting the imposition of communism. Let us implement this program by concrete evidence of willingness to assume a just obligation toward refugees in Europe already communist controlled....In world leadership we can speak more convincingly for freedom everywhere when we have done our fair share to bring real freedom to those who have suffered most.” Quoted in Loescher and Scanlan, *Calculated Kindness*, 18-19.

²¹⁴ The comments by Representatives are quoted in *Ibid.*, 19, 24.

the policy issued by the government did not even attempt to conceal that it was using a humanitarian instrument for diplomatic objectives, noting that the DP Act “will give strong encouragement to anti-Communist elements.”²¹⁵ Consequently, the DP legislation, which permitted entrance to several hundred thousand refugees, provides an example of U.S. leaders using immigration policy as a “weapon” against foreign states.

Similarly, the Refugee Act of 1953, which brought over 200,000 displaced persons to the country over its three-year term and constitutes one of the major pieces of U.S. refugee legislation, was devised by American leaders to assist NATO allies by relieving them of population pressure and to serve as an ideological weapon through providing safe haven to those fleeing communist rule.²¹⁶ A significant percentage of the spots made available under the legislation were designated for Dutch, Italian, Greek, and German nationals, immigrants from countries that the U.S. sought to foster positive foreign relations, and recent “escapees” and “refugees” who had fled the “communist-dominated or Communist-occupied areas of Europe.”²¹⁷

Presidents Truman and Eisenhower, who pushed vigorously for the law, argued that it was paramount for the U.S. to admit more “friends of freedom” and “able and courageous fighters against Communism.”²¹⁸ Truman officially advocated the creation of a new refugee program (the one under the Displaced Persons Act had expired) during a message to Congress on March 24, 1952, explaining that overpopulation in areas of Western Europe was “one of the gravest problems arising from the present world crisis” and that the “situation, aggravated by

²¹⁵ United States Displaced Person Commission, *Memo to America: The DP Story*, p. 316. Based on comments such as these, Divine concludes that the displaced persons legislation “signified that a majority of congressmen, many of whom were restrictionists at heart, believed that the resettlement of all displaced persons was essential for the proper conduct of American foreign policy in Western Europe.” Divine, *American Immigration Policy*, 143.

²¹⁶ On the Refugee Act of 1953, see Loescher and Scanlan, *Calculated Kindness*, 45-47; Tichenor, *Dividing Lines*, 200-201; and Zolberg, *Nation by Design*, 317-324.

²¹⁷ Loescher and Scanlan, *Calculated Kindness*, 27.

²¹⁸ Harry S. Truman, “Special Message to Congress,” March 24, 1952, in *Public Papers of the Presidents, Harry S. Truman, 1952* (GPO: Washington, D.C., 1966), 211. See also Loescher and Scanlan, *Calculated Kindness*, 27.

the plight of refugees escaping from Communist tyranny behind the Iron Curtain, is of great practical importance to the United States because it affects the peace and security of the free world.”²¹⁹ The State Department emphasized the urgency of Truman’s program, noting that his “proposals for the reception, care, and training of refugees from a Soviet orbit country are essentially matters of important foreign policy.”²²⁰

Truman left office shortly thereafter, but Eisenhower took up his initiative upon becoming President and sent a message to Congress requesting emergency legislation to relieve Western European allies of population pressure that could allow communism to take root.²²¹ Smith, serving as Acting Secretary of State, explained to Congress that the legislation was critically needed because, “Its effect upon our relations with European allies will be most favorable. It will assist in relieving situations which, under certain circumstances, would adversely affect the national security of the United States by undermining the economic and political stability of our allies. We are faced with a number of serious problems having an important impact on the political, economic, and social life of friendly countries in Europe....They are problems of population pressures and escape from persecution, and they are creating situations in certain European areas which constitute a grave threat to important objectives of American foreign policy.”²²² A National Security Council memorandum more callously stated that the Refugee Act was created to “encourage defection of all USSR nations and “key” personnel from satellite countries” to “inflict a psychological blow on communism”

²¹⁹ Truman, “Special Message to Congress,” March 24, 1952, pp. 209-211. Loescher and Scanlan, *Calculated Kindness*, 42.

²²⁰ Quoted in Loescher and Scanlan, *Calculated Kindness*, 43.

²²¹ General Walter Bedell Smith, Acting Secretary of State, “President’s Proposal for Admission of European Migrants,” *Department of State Bulletin* 28 (June 15, 1953), 857-859. See also, Dwight Eisenhower, “Recommended Revision of Immigration and Nationality Act,” *Department of State Bulletin* 38 (February 18, 1957): 247-250.

²²² Walter Bedell Smith, Acting Secretary of State, “President’s Proposal for Admission of European Migrants,” *Department of State Bulletin* 28, No. 729 (June 15, 1953), 857-859, quotes on 857.

and, “though less important...material loss to the Soviet Union” by depriving it of experts.²²³

The creation of the Refugee Relief Act of 1953, responsible for bringing over 200,000 immigrants to the U.S. in a short period, thus provides an example of the U.S. using refugee policy to “attack” adversary nations.

Executive Order and Parole: The other primary policy method that has been used by U.S. leaders to admit refugees fleeing adversary states is executive parole. It was repeatedly employed during the Cold War to accept refugees fleeing communist countries such as Cuba, Czechoslovakia, and Hungary. An obscure loophole in the general immigration law gave the Attorney General authority to temporarily “parole” aliens into the U.S. “for emergent reasons or for reasons deemed strictly in the public interest.”²²⁴ The provision was intended for admitting those experiencing medical emergencies or undergoing judicial proceedings, but executive branch leaders, hamstrung by an inflexible general immigration law during the Cold War, expanded its use for diplomatic purposes and Congress acquiesced to its misuse out of concern for “freedom fighters” and the foreign policy imperatives of the country.²²⁵

Hungarian Revolution: The first time that U.S. leaders used this measure was to permit entrance to refugees fleeing the failed Hungarian Revolution of 1956. A popular uprising in Hungary occurred from October 23 to November 10 of that year that ousted from power the Hungarian Working People’s Party, a Soviet supported communist party that had controlled the government for nearly a decade. The Hungarian Socialist Workers’ Party, led by Imre Nagy, assumed direction of the country and instituted a multiparty system and stated its

²²³ Quoted in Zolberg, *Nation by Design*, 322.

²²⁴ Section 212 (d)(5) of the Immigration and Nationality Act of 1952 stated that, “The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.” *United States Statutes At Large* 66 (1952), 82nd Congress, 2nd Session (Washington, D.C.: Government Printing Office, 1952), 188.

²²⁵ Loescher and Scanlan, *Calculated Kindness*, 50, 55-56.

intention to withdrawal from the Warsaw Pact. But before it could do so the Soviet Union forcibly put down the revolution and reinstated a communist puppet government in Hungary that remained in power for nearly four decades. The revolution resulted in approximately 3,200 casualties and more than 200,000 Hungarians fleeing into Austria and Yugoslavia.²²⁶

Eisenhower and other leaders working in the U.S. foreign policy establishment were pleased with the Hungarian Revolution because they sought to encourage and support uprisings against communist governments in Eastern Europe. For example, less than a year before the revolt, the National Security Council published Memorandum 5412/1 that declared that the U.S. would “create and exploit problems for international communism” through “subversion against hostile states or groups including assistance to underground resistance movements, guerrillas, and refugee liberation groups.”²²⁷ Accordingly, during the years prior to the uprising, the CIA arranged for arms to be smuggled into Hungary, U.S. officials had Radio Free Europe repeat the slogan, “American will not fail you...America will not fail you...” throughout Eastern Europe, and the President okayed the covert Red Sox/Red Cap operation which secretly trained Hungarian exiles in West Germany to return to their country to incite revolution.²²⁸

Eisenhower decided against aiding the revolution with direct military support for fear of war with the Soviet Union, but he sought ways to support the Hungarians to assist with toppling a communist government and signal to citizens of other “captive” eastern European nations that the U.S. would aid their attempts at regime change. Consequently, Eisenhower,

²²⁶ On this case, see Csaba Bekes, *The 1956 Hungarian Revolution and World Politics* (Washington, D.C.: Cold War International History Project, Woodrow Wilson International Center for Scholars, 1996); Loescher and Scanlan, *Calculated Kindness*, 50-60; Arthur A. Markowitz, “Humanitarianism v. Restrictionism: The United States and the Hungarian Refugees,” *International Migration Review* 7 (Spring 1973); John P.C. Matthews, *Explosion: The Hungarian Revolution of 1956* (New York: Hippocrene Books, 2007); and Tichenor, *Dividing Lines*, 202-203.

²²⁷ Quoted in Loescher and Scanlan, *Calculated Kindness*, 49-50.

²²⁸ Ronald R. Krebs, *Dueling Visions: U.S. Strategy toward Eastern Europe under Eisenhower* (College Station, TX: A&M University Press, 2001), 64-66; and Loescher and Scanlan, *Calculated Kindness*, 50-54.

though constrained by extant American immigration law, granted refuge to 38,121 Hungarians primarily through executive parole.²²⁹ He also made sure that the international community was aware of the ideological implications of U.S. benevolence by having “nearly every aspect of the Hungarian relief operation framed in anti-Soviet and pro-United States rhetoric.”²³⁰ For example, the chairman of the Committee for Hungarian Refugee Relief declared that, “While Russian tanks were firing on Hungarians, U.S. military planes and ships were carrying many thousands of them to the safe haven of our free land. Like the Berlin airlift, the meaning of this operation was not lost on the peoples of the world.”²³¹ Eisenhower was thus able to use American refugee policy to assist with a foreign policy objective, which in this case entailed ending communism in Eastern Europe.

Cuban Refugees: Similar to with the Hungarian refugees, U.S. Presidents repeatedly used executive parole during the Cold War to admit around one million Cuban refugees to demonstrate the inadequacy of the Castro regime and communism. U.S. leaders, however, abruptly stopped accepting Cuban refugees after the fall of the Soviet Union because bringing attention to the failings of communism no longer constituted a foreign policy imperative.²³²

Cuban refugees have fled to the U.S. in four major waves during the postwar period. The first wave began shortly after Fidel Castro led a coup that removed Fulgencio Batista from power in January 1959 and lasted until the end of October 1962 when Cuban authorities banned exit from the island. During the period, Eisenhower and Kennedy paroled over

²²⁹ Loescher and Scanlan, *Calculated Kindness*, 52.

²³⁰ Felix Roberto Masud-Piloto, *From Welcomed Exiles to Illegal Immigrants: Cuban Migration to the U.S., 1959-1995* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 1996), 35.

²³¹ “Report by President’s Committee for Hungarian Relief,” *Department of State Bulletin*, June 17, 1957, 984-985, quote on 984.

²³² On U.S. policies regarding Cuban refugees, Evan George, “U.S. Refugee Policy: A Comparison of Haiti and Cuba during the Cold War and Post-Cold War Periods,” MA Thesis, University of Florida, 2004; Loescher and Scanlan, *Calculated Kindness*, 63-68, 70-78, 167-187; Larry Nackerud, Alyson Springer, Christopher Larrison, and Alicia Issac, “The End of the Cuban Contradiction in U.S. Refugee Policy,” *International Migration Review* 33 (Spring 1999): 176-192; Silvia Pedraza, “Cuban Refugees: Manifold Migrations,” in *Cuban Communism, 1959-2003*, eds., Irving Louis Horowitz and Jaime Suchlicki (New Brunswick, NJ: Transaction Publishers, 2003), 308-328; Masud-Piloto, *From Welcomed Exiles to Illegal Immigrants*; and Zucker and Zucker, *Desperate Crossings*.

200,000 Cubans into the U.S., with approximately 500 to 1,700 of them arriving in southern Florida per week. The second wave of refugees occurred between 1965-1973 when Castro again permitted exit from the country and resulted in Presidents Johnson and Nixon paroling more than 200,000 Cubans into the U.S., many of which arrived via daily flights between Havana and Miami that were arranged between American and Cuban officials. The third wave of refugees, more popularly known as the “Mariel Boatlift,” occurred during the spring and summer of 1980 when Castro again allowed emigration to ease tension on the island and resulted in President Carter paroling nearly 130,000 Cuban refugees in five months. A fourth wave of a large number of refugees began to come to the U.S. in 1994 due to the collapse of the Cuban economy, but it was quickly ended by President Clinton who ordered the U.S. coastguard to pick up and detain rafters at the American naval base in Guantanamo Bay.²³³

U.S. leaders repeatedly accepted Cubans during the Cold War because they believed that it assisted in the fight against Castro and communism. President Kennedy, for example, stated that accepting those fleeing the island will “indicate the resolve of this nation to help those in need who stand with the United States for personal freedom and against Communist penetration of the Western Hemisphere.”²³⁴ Richard Brown, the Director of the Office of Refugee and Migration Affairs, also repeatedly explained that accepting Cuban refugees “is in our national interest” because “it is importantly related to free-world political objectives.”²³⁵

²³³ This paragraph is based on, George, “U.S. Refugee Policy,” 57-72; Masud-Piloto, *From Welcomed Exiles to Illegal Immigrants*; and Pedraza, “Cuban Refugees,” 308-328.

²³⁴ John F. Kennedy, *Department of State Bulletin* 44 (February 13, 1961), 309-310, quote on 310. Kennedy believed that it was important for the U.S. to accept Cuban refugees because an important policy objective was the “exemplification by free citizens of free countries, through actions and sacrifices, of the fundamental humanitarianism which constitutes the basic difference between free and captive societies.” Quoted in Silvia Pedraza-Bailey, “Cubans and Mexicans in the United States: The Functions of Political and Economic Migration,” *Cuban Studies/Estudios Cubanos*, Vols. 11/12, Nos. 2/1 (July 1981-January 1982): 85.

²³⁵ Richard Brown, Director, Office of Refugee and Migration Affairs, *Department of State Bulletin*, August 7, 1961.

And Representative Walter H. Judd explained that, “Every refugee who comes out [of Cuba] is a vote for our society and a vote against their society.”²³⁶

U.S. leaders also thought that accepting Cuban refugees would assist with removing Castro from power. Eisenhower and Kennedy first attempted this directly by having the CIA train Cuban exiles to topple the Cuban government with the Bay of Pigs of Invasion in April 1961.²³⁷ After this failed, U.S. leaders continued to permit entrance to Cuban migrants because they thought that doing so increased the likelihood that Cubans would rebel against Castro.²³⁸ For example, Robert Hurwitch, Deputy Assistant Secretary of State for Inter-American Affairs, testified that it was paramount that the U.S. continue to keep its doors open to the large numbers of Cuban refugees because,

Experience has indicated that as long as hope for escape to freedom exists, people living under oppression resist committing themselves to the regime’s goals; but when escape routes are sealed, accommodation to the inevitable becomes the prevailing attitude. Illustrative of this phenomenon is the case of East Germany where the beginning of economic recovery can be said to date from the erection of the Berlin wall when the wall barred future escape to the freedom of the West, the East German population had no real alternative but to accommodate to the Communist regime there. The refugee airlift, a route to freedom, forestalls the certainty of accommodation to communism by the Cuban people.”²³⁹

But this view of Cuban refugees by American leaders abruptly changed with the end of the Cold War and President Clinton halted the country’s thirty-five year policy of accepting refugees from the island. Refugee scholars have concluded that the U.S. policy shift occurred because “with the demise of the Soviet Union, the dominance of foreign policy in refugee policy gave way to domestic pressures to ‘control illegal immigration,’” and although “Cuba was still a communist country...it no longer represented a significant challenge internationally

²³⁶ Quoted in Masud-Piloto, *From Welcome Exiles to Illegal Immigrants*, 33.

²³⁷ See, for example, Howard Jones, *The Bay of Pigs* (New York: Oxford University Press, 2008).

²³⁸ They also believed that it undermined the Castro regime by depriving the island of skilled professionals. Loescher and Scanlan, *Calculated Kindness*, 76.

²³⁹ Statement of Robert A. Hurwitch, Deputy Assistant Secretary of State for Inter-American Affairs, July 8, 1970, House Committee on Foreign Affairs, *Hearings: Cuba and the Caribbean* (Washington, DC: Government Printing Office, 1970), 5.

or within the region.”²⁴⁰ The reason behind this policy change as well as the comments by U.S. leaders during the Cold War regarding Cuban refugees thus illustrates the substantial role that foreign policy can play in American immigration policies.

“Main Gate” Immigration Policies

U.S. leaders have sought to punish or weaken foreign states with its “main gate” or major immigration laws through the provisions it omits or specifies within the legislation. American policy makers have attempted to accomplish this primarily through neglecting to provide a favorable stipulation regarding a foreign state in legislation, by forming a law in such a manner as to anger or embarrass a foreign state, or through explicitly writing into legislation a provision designed to hurt or embarrass a foreign state.

A Main Gate Immigration Law “Omission”—Japan and the Quota Acts: An example of U.S. leaders deliberately omitting a provision within a main gate immigration law in order to punish a foreign power is in regard to Japan and the 1920s Quota Acts.²⁴¹ This legislation provided for complete restriction of immigration from Asian countries, but during its creation policy makers sensitive to foreign affairs argued for inserting a clause within it to provide Japan with a small quota, thus upholding the terms of the Gentleman’s Agreement and sparing the country insult in the international community.

Leaders alert to U.S. foreign policy interests argued vigorously for the inclusion of such a provision in the legislation so as not to unnecessarily antagonize a rising foreign power. For example, Theodore Burton, a representative from Ohio, explained that, “The future peace of the world makes it absolutely essential that we should maintain friendly relations with that

²⁴⁰ Zucker and Zucker, *Desperate Crossings*, 124, 132. Similarly, Nackerud, Springer, Larrison, and Issac explain that, “The resulting change and closing of the open door was influenced by the diminished significance of Cuba as a political and security threat.” Nackerud, Springer, Larrison, and Issac “End of Cuban Contradiction,” 186-187.

²⁴¹ On this example see Divine, *American Immigration Policy*, 21-23; Neil, “Interplay of Domestic and Foreign Considerations,” 136-139, 142-146, 149-150; and especially, Rodman Paul, *The Abrogation of the Gentleman’s Agreement* (Cambridge: Harvard University Press, 1936).

power.”²⁴² Similarly, Secretary of State Hughes repeatedly warned members of Congress that angering Japan could result in “possible effects of trade in the Orient, and the likelihood of reprisals.”²⁴³ And President Calvin Coolidge took several steps such as meeting with congressmen to ensure that a stipulation omitting Japan from outright exclusion in the quota acts was passed.²⁴⁴

The Senate was receptive to their arguments and seemed likely to provide a stipulation within the legislation permitting the entrance of a token number of Japanese immigrants. Hughes thus arranged on April 1, 1924 for a letter to be read by the Japanese Ambassador to the United States before the Senate to cement the case for a quota for this nation. “Because of the fact that discriminatory immigration legislation on the part of the United States,” the letter noted, “would naturally wound the national susceptibilities of the Japanese people, after thorough but most friendly and frank discussion between the two Governments, the Gentlemen’s Agreement was made relieving the United States from the possible unfortunate necessity of offending the natural pride of a friendly nation. We trust that the United States Government will recommend, if necessary, to the Congress to refrain from resorting to a measure that would seriously wound the proper susceptibilities of the Japanese Nation.”²⁴⁵

These remarks by the Japanese leader, however, had the opposite effect that Hughes had intended it to have upon Congress. Many Senators interpreted the diplomatic note as “improper” and filled with “veiled threats.” For example, Henry Cabot Lodge, the Chairman

²⁴² Quoted from *New York Times*, April 13, 1924. See also Hughes’s letter to Congress regarding this issue in “Correspondence with Executive Departments,” *Hearings before the House Committee on Immigration and Naturalization*, 68th Congress, 1st Session (Washington, 1924), 1200-1205.

²⁴³ Quoted in *New York Times*, April 16, 1924.

²⁴⁴ Divine, *American Immigration Policy*, 23; and George, “Interplay of Domestic and Foreign Considerations,” 138, 145.

²⁴⁵ *Congressional Record*, April 11, 1924, 6073-6074. Also quoted in George, “Interplay of Domestic and Foreign Considerations,” 141-142.

of the Senate Foreign Relations Committee, argued that if the U.S. provided Japan with a quota after receiving a threatening letter then it “will give any nation the right to think that they can stop by threats and complaints the action of the United States when it determines who shall come within its gates.”²⁴⁶ The Senate then took action to strike out a favorable clause in the act regarding Japan, which ensured that its nationals were banned from entering the U.S. until the repeal of the quota legislation over four decades later. Japanese leaders were so distraught by the legislation that they declared the day that it passed one of national humiliation and many scholars point to it as a reason that led them to attack Pearl Harbor.²⁴⁷ U.S. leaders, as this example illustrates, are thus able to “punish” a foreign state by omitting a provision within a major law regarding their immigrants.

A Main Gate Immigration Law “Provision”—The 1965 Act and an Ideological Attack on Communist States: U.S. officials have historically shunned stipulating measures that “attack” foreign states within major immigration laws, most likely because such legislation typically is in place for decades and diplomacy requires flexibility. The one notable exception to this observation occurred during the Cold War with the Immigration and Nationality Act of 1965 in which U.S. leaders transparently wrote into the law a measure designed to serve an ideological blow to communist countries.

The 1965 law, as previously noted, ended the quota system that had been in place since the 1920s, replacing it with a preference system that provided for 170,000 visas for immigrants based on seven categories. The “seventh preference” of the law provided for the admission of refugees from “Communist or Communist-dominated” countries, but curiously did not make provision to accept foreign nationals fleeing other types of repressive governments, thereby allowing *only* refugees from Communist countries the opportunity to

²⁴⁶ *Congressional Record*, April 14, 1924, 6498.

²⁴⁷ The Japanese Diet passed resolutions protesting the legislation and declared July 1, 1924 a national humiliation day. Divine, *American Immigration Policy*, 23; and George, “Interplay of Domestic and Foreign,” 150.

come to the U.S. under this preference category.²⁴⁸ Loescher and Scanlan explain in their seminal study on U.S. refugee policy that with this measure “Congress...institutionalized the American practice of admitting refugees according to cold war preferences” to destabilize communist regimes and demonstrate the inadequacy of the Soviet system by having people “vote on their feet.”²⁴⁹ This case thus provides an example of U.S. leaders overtly writing into an immigration law a measure to weaken foreign states.

Miscellaneous Policies Designed to Punish an Adversary State

American leaders can also “punish” an adversary state by devising policies that force upon it immigrants who are considered a burden or threat to its security or society or by penalizing or harming their immigrants once they are in the U.S.²⁵⁰

Dumping Unwanted Immigrants On A Foreign State: A state can “punish” an enemy nation by encouraging or forcibly sending immigrants to it who are perceived as burdensome or dangerous. For one, a state can “dump” criminals or sick people upon an adversary nation, thus subjecting its people to crime and disease and taxing its healthcare and police systems. Second, a state can send to an enemy nation immigrants belonging to an ethnic, racial, or religious group whose presence is likely to incite conflict within the state. And third, a state can train the refugees of a foreign state to return to their home country to attempt to remove its government from power.

²⁴⁸ Although these methods constitute ways in which American officials can use immigration to “harm” a foreign state they technically are not instances of U.S. immigration policy as it is defined in this study. The feature of the Immigration Act relevant for refugees was the creation of the new “seventh preference,” which provided for 6 percent of the visas made available under the new system for Eastern Hemisphere: “aliens who...because of persecution or fear of persecution on account of race, religion, or political opinion have fled...from any Communist or Communist-dominated country or area, or...from any country within the general area of the Middle East...or are persons uprooted by catastrophic natural calamities as defined by the President who are unable to return to their usual place of abode.”

²⁴⁹ Loescher and Scanlan, *Calculated Kindness*, 73.

²⁵⁰ As stated in Chapter 1, the general area that this dissertation will analyze is U.S. immigration policy, which is defined here as a state’s effort “to regulate and control entry into [its] national territory and to stipulate conditions of residence of persons seeking permanent settlement, temporary work, or political asylum.” Gary Freeman, “Migration Policy and Politics in the Receiving States,” *International Migration Review* 26 (Winter 1992): 1145.

U.S. leaders have not encouraged or forcibly moved “undesirable” immigrants to a foreign state on a large-scale, but it has been done to them on numerous occasions.²⁵¹ Most notably, British as well as other European leaders repeatedly during the seventeenth through the nineteenth centuries sent convicts, drunkards, insolvents, the sick, and even such misfits as elk killers, sheep stealers, and forest burners to the colonies and later the states, even sometimes paying their passage.²⁵² The colonial and state governments attempted to deter foreign nations from this practice by repeatedly passing laws that banned the entrance of the criminal, the poor, and the sick, but such legislation proved difficult to enforce and it was disregarded by most European states.²⁵³

This practice by European states angered early American leaders because it taxed their medical, penal, and welfare systems and signaled that the U.S. was not taken seriously in the global community. Benjamin Franklin exclaimed, “Thou art called our MOTHER COUNTRY; but what good *Mother* ever sent *Thieves* and *Villains* to accompany her *Children*,”

²⁵¹ An example in addition to the one discussed above occurred during the Mariel “boatlift” event, when approximately 125,000 Cubans, dissatisfied with the poor economic conditions on the island departed Mariel Harbor in over 1,500 boats between April 15 and October 31, 1980 to seek refuge in Florida. As the events transpired Castro arranged for prisoners, mental health patients, and seriously ill people to participate in the boatlift, with approximately 12,500 people of this type arriving in the U.S. according to a 1991 Congressional report, and after investigative reporters exposed the Cuban stratagem, many Americans who were living in Florida panicked and held political leaders accountable for the incident, including President Jimmy Carter, who would soon afterward lose his reelection bid to Ronald Reagan. David Wells Engstrom, *Presidential Decision-Making Adrift: The Carter Administration and the Mariel Boatlift* (Lanham, MD: Rowmann & Littlefield, 1997); Alfredo Antonio Fernandez, *Adrift: The Cuban Raft People* (Houston, TX: Arte Publico Press, 2000); Mark S. Hamm, *The Abandoned Ones: The Imprisonment and Uprising of the Mariel Boat People* (Boston, MA: Northeastern University Press, 1995); David Larzelere, *The 1980 Cuban Boatlift* (Washington, D.C.: National Defense University Press, 1980); and Mario A. Rivera, *Decision and Structure: U.S. Refugee Policy in the Mariel Crisis* (Lanham, MD: University Press of America, 1991).

²⁵² On shipping undesirables, see A. Roger Ekirch, *Bound for America: The Transportation of British Convicts to the Colonies, 1718-1775* (New York: Oxford University Press, 1987); Bernard Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York, 1986), 260-262, 292-295; John Duncan Brite, “The Attitude of European States toward Emigration to the American Colonies and the United States 1607-1820,” unpub. Ph.D. diss. (University of Chicago, 1937) 265-287; and Zolberg, *Nation by Design*, 26, 35-36.

²⁵³ On colonial and state regulatory policies during the period, Hutchinson, *Legislative History of American Immigration Policy*, 388-404; James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill, 1978), 108-110; Benjamin J. Klebaner, “State and Local Immigration Regulation in the United States before 1882,” *International Review of Social History* 3 (1958): 269-295; Gerald L. Neuman, “The Lost Century of American Immigration Law (1776-1875),” *Columbia Law Review* XCIII (1993): 1833-1901; and Zolberg, *A Nation by Design*, 72-76.

and “We do not ask Fish, but thou givest us *Serpents*, and worse than *Serpents*!”²⁵⁴ Thomas Jefferson and his fellow revolutionaries were in fact so aggravated by these practices that they considered them adequate grounds for independence.²⁵⁵ The reaction by early American leaders over this issue thus indicates that a state can antagonize another state by sending to it immigrants considered “undesirable.”

U.S. leaders may never have dumped unwanted migrants upon a foreign state on a large scale, but they have financed, supplied, and trained refugees who fled from adversary nations to return to their home states to attempt to remove their governments.²⁵⁶ Most notably, the Bay of Pigs Invasion entailed the CIA training refugees to invade southern Cuba and overthrow Castro. President Eisenhower instructed the CIA in 1959 to recruit and train Cuban exiles residing in Miami and President Kennedy on April 17, 1961 secretly ordered approximately 1,300 of them to amphibiously invade Cuba. But upon landing at the Bay of Pigs beachhead the exiles did not as planned gather the support of local Cubans to assist in toppling Castro’s government and by April 19, 1961 the invasion failed.²⁵⁷ Nevertheless, it provides an example of U.S. leaders training refugees to overthrow a foreign regime.

Mistreating/ “Punishing” Immigrants of an Adversary State: A state can also punish or “get back” at an adversary nation by mistreating or limiting the rights of its immigrants. American officials have done this primarily when the nation has been at war through repressive policies ostensibly designed to monitor the loyalty of immigrants.

²⁵⁴ Benjamin Franklin, “On Transported Felons,” *Pennsylvania Gazette*, April 11, 1751, in *Benjamin Franklin: Writings*, ed., J.A. Leo Lemay (New York, 1987), 358; and Benjamin Franklin, “Rattle-Snakes for Felons,” in *Pennsylvania Gazette*, May 9, 1751, in *ibid.*, 359-361.

²⁵⁵ Robbie Totten, “National Security and U.S. Immigration Policy, 1776-1790,” *Journal of Interdisciplinary History* 39 (Summer 2008): 43-45.

²⁵⁶ For examples other than the Bay of Pigs Invasion, see the discussion in Loescher and Scanlan, *Calculated Kindness*, 49-67.

²⁵⁷ Jones, *The Bay of Pigs*.

A prominent and notorious example of this was during WWII when U.S. leaders forcibly moved 120,000 Japanese living on the West Coast, most of who were American citizens, to ten internment camps in the interior of the country for “loyalty conditioning.”²⁵⁸ Scholars often argue that American officials did this out of racism and security concerns, but an element of “revenge” also permeates throughout their discussions of the program. For example, John D. Dingell, a Democrat representative from Michigan and “normally a responsible New Dealer” wrote a personal letter to President Franklin Delano Roosevelt explaining that the U.S. could punish Japan for mistreating American citizens by “the forceful detention or imprisonment in a concentration camp of ten thousand alien Japanese in Hawaii....It would be well to remind Japan that there are perhaps one hundred fifty thousand additional alien Japanese in the United States who [can] be held in a reprisal reserve.”²⁵⁹ This type of recommendation was common amongst many Americans during WWII, exemplified by one columnist asserting that for every hostage killed by enemy states the U.S. should counter by taking the lives of “100 victims selected out of [our] concentration camps.”²⁶⁰ The U.S. internment of Japanese during WWII thus provides an example of American leaders mistreating immigrants to “punish” the country of their origin.

FOREIGN POLICY OBJECTIVE #3: BARGAINING CHIP

Immigration can be used by U.S. leaders as a bargaining chip or as part of a larger trading package in its negotiations with foreign states. This is likely to occur when one country restricts emigration that the U.S. seeks to promote, in which case American leaders can link migration issues to other policy areas such as trade or foreign aid in an attempt to

²⁵⁸ On Japanese internment, see Roger Daniels, *Concentration Camps: North America Japanese in the United States and Canada during World War II* (Malabar, FL: Robert E. Krieger Publishing Company, 1989 [1971]); idem, *The Decision to Relocate the Japanese Americans* (Malabar, FL: Robert E. Krieger Publishing Company, 1986); and Ngai, *Impossible Subjects*, 175-201.

²⁵⁹ Quoted in Daniels, *Concentration Camps*, 27-28.

²⁶⁰ Quoted in Daniels, *Decision to Relocate the Japanese Americans*, 12.

achieve its immigration policy goals.²⁶¹ Conversely, the U.S. can compromise over issues pertaining to its immigration policy to receive concessions from a foreign state in other areas.

Link Migration to other Policy Areas to Receive Concessions Regarding Immigration – The Jackson-Vanik Amendment: The Jackson-Vanik Amendment provides a textbook example of the U.S. linking a policy area unrelated to migration to obtain an immigration policy result from a foreign state. The amendment was attached to the 1974 U.S. Trade Act and explicitly linked trade and migration by denying most-favored nation status to specified countries that restricted the emigration rights of their citizens. The amendment, sponsored by Senator Henry Jackson of Washington and Representative Charles Vanik of Ohio, was created in response to Soviet mistreatment of Jews. Soviet leaders, for example, attempted to deter the emigration of Jewish professional members by holding public trials aimed at frightening them from leaving and by issuing the “diploma tax,” which imposed a high emigration tax (as much as 20x their annual salary) on Soviet Jews who had received higher education in the USSR.²⁶²

These events received international media attention and many in the U.S. began calling for President Nixon to take action.²⁶³ But he was reluctant to “parole” Jews in the Soviet Union into the U.S., as former Presidents had done with refugees fleeing communism in Cuba and Hungary, because he feared antagonizing Russian leaders and undermining détente

²⁶¹ Weiner, “On International Migration and International Relations,” 448.

²⁶² On this case, see the “Jackson-Vanik and Russia Fact Sheet,” <http://georgewbush-whitehouse.archives.gov/news/releases/2001/11/20011113-16.html>, accessed July 15, 2009; Robert H. Bradner, “The Jackson-Vanik Amendment to the Trade Act of 1974: Soviet Progress in Emigration Reform is Insufficient to Merit a Waiver,” *Georgetown Immigration Law Journal* 4 (1990): 632-679; Alan Dowty, *Closed Borders: The Contemporary Assault on Freedom of Movement* (New Haven: CT: Yale University Press, 1987), 231-234; Christopher B. Jochnick and Josh Zinner, “Linking Trade Policy to Free Emigration: The Jackson-Vanik Amendment,” *Harvard Human Rights Journal* 4 (1991): 128-138; Loescher and Scanlan, *Calculated Kindness*, 88-95; Tichenor, *Dividing Lines*, 222; Zolberg, “From Invitation to Interdiction: U.S. Foreign Policy and Immigration since 1945,” in *Threatened Peoples, Threatened Borders*, eds., Teitelbaum and Weiner, 135-137; and Zolberg, *Nation by Design*, 345-346. One trial, for instance, imposed harsh penalties on a group of Jews who allegedly attempted to hijack a plane after they were denied visas to move to Israel. Loescher and Scanlan, *Calculated Kindness*, 89.

²⁶³ *Ibid.*, 89-90.

with the Soviet Union.²⁶⁴ For example, his Secretary of State, Henry Kissinger, asked, “How would it be if Brezhnev comes to the United States with a petition about the Negroes in Mississippi?”²⁶⁵ On another occasion, Kissinger stated privately that, “The emigration of Jews from the Soviet Union is not an objective of American foreign policy.” “And if they put Jews into gas chambers in the Soviet Union, it is not an American concern. Maybe a humanitarian concern.” Nixon responded to his remark by saying, “I know. We can’t blow up the world because of it.”²⁶⁶

Members of Congress, however, took matters into their own hands and sought to assist Soviet Jews by linking the most-favored-nation tariff status and large-scale credits that the U.S. was offering the Soviets as part of its détente policy with the immigration issue of allowing Jews to exit the country.²⁶⁷ Although the amendment was slow to free Jews from the Soviet Union, over time 500,000 refugees from the USSR resettled elsewhere, and the legislation served to inspire other ethnic groups within Russia to advocate resettling and reform, perhaps contributing to the eventual fall of the Soviet Union.²⁶⁸ The amendment therefore illustrates how the U.S. can use migration as a bargaining chip in its relations with other states, since it explicitly linked an immigration issue (emigration of Soviet Jews) with another issue area (trade).

²⁶⁴ Loescher and Scanlan, *Calculated Kindness*, 90-91.

²⁶⁵ Quoted in Tichenor, *Dividing Lines*, 222.

²⁶⁶ Nixon Tapes, February 13, 1973, in “In Tape, Nixon Rails about Jews and Blacks,” *New York Times*, online edition, December 10, 2010, available at, <http://www.nytimes.com/2010/12/11/us/politics/11nixon.html?src=me&ref=general>, accessed December 13, 2010.

²⁶⁷ Loescher and Scanlan, *Calculated Kindness*, 91-94.

²⁶⁸ See the “Jackson-Vanik and Russia Fact Sheet.” U.S. leaders also continued to use Jewish emigration as a bargaining chip with Soviet leaders, exemplified by Moscow granting over 50,000 Jewish exit visas to ensure congressional approval of SALT II. A similar pattern arose with regard to Soviet citizens of German ancestry, whose exit was linked to diplomatic and trade negotiations with the Federal Republic of Germany. Zolberg, *Nation by Design*, 588n.

Compromising Over Issues Regarding Immigration for Concessions in Other Policy

Areas: A state can make concessions in regard to immigration to receive benefits in other areas pertinent to its foreign policy. American officials have done this by making compromises over an immigration issue to broadly improve diplomatic relations with another nation and by explicitly linking an issue regarding immigration to another policy area in its negotiations with a foreign state.

Rapprochement with Great Britain: An example of the first type of “linkage” occurred during the early Republic with American leaders in the 1790s making concessions with immigration to signal to Great Britain that they desired a rapprochement in their foreign relations.²⁶⁹ Consequently, President George Washington and others in his administration stopped complaining over British restrictions on the exit of skilled artisans and ceased encouraging English residents to disobey legislation that prohibited emigration.²⁷⁰ Washington, who had earlier participated in programs to attract skilled British workers, now said it was inappropriate for a President “to entice the subjects of another nation to violate the laws,” and later, as the U.S. was nearing a formal treaty with Britain, he declared that he had “established it as a maxim neither to invite nor to discourage immigrants.”²⁷¹ Diplomatic “gestures” such as this one regarding immigration by early American leaders were well-received by Britain and contributed to the two powers signing Jay’s Treaty in 1795 that formally eased tensions between them for the next decade.

Mexico and “Communism”: A more recent example of U.S. leaders using “linkage” as a diplomatic tool, and one that illustrates the explicit linking of immigration to another

²⁶⁹ American leaders during the period sought more favorable trading arrangements with Britain and to avoid war with a major European power. Bradford Perkins, *The First Rapprochement; England and the United States, 1795-1805* (Philadelphia, PA: University of Pennsylvania Press, 1955).

²⁷⁰ Zolberg, *Nation by Design*, 92.

²⁷¹ Quoted in Marilyn C. Baseler, *“Asylum for Mankind”: America, 1607-1800* (Ithaca: Cornell University Press, 1998), 244. See also the discussion in Zolberg, *Nation by Design*, 92.

foreign policy issue occurred during the 1970s with Mexico. American officials changed the standard operating procedures for returning unauthorized immigrants to their southern neighbor in order to dissuade the Mexican President, Luis Echeverria, from implementing policies perceived as moving the country toward a communist system.²⁷² During “a very tense moment in U.S.-Mexican relations” over the issue, U.S. officials stopped returning unauthorized Mexican immigrants at the border and began deporting them to Mexico City via airlift—a policy change that had the effect of bringing “an unusual level of public attention” to how poor relations with the U.S. could affect the country.²⁷³ Consequently, Mexican leaders backed off instituting “communist” policies, thus illustrating “that immigration policies may become a powerful bargaining chip to be used in connection with either immigration questions themselves or other issue areas of a bilateral relation.”²⁷⁴

FOREIGN POLICY OBJECTIVE #4: SEIZING ASSETS AND TERRITORY

U.S. leaders, primarily during the country’s first hundred years, have used migration as an instrument to capture assets or territory.²⁷⁵ They did this through the forced migration of residents so that property could be taken to fund war and by permitting American settlers to move into foreign territory. Although American officials have not devised policies on a large scale for these purposes in recent decades, U.S. leaders may resort to them again if faced with external threats similar to those during the eighteenth and nineteenth centuries or if the colonization and exploration of outer space accelerates.

²⁷² Carlos Rico, “Migration and U.S.-Mexican Relations, 1966-1986,” in *Western Hemisphere Immigration*, ed., Mitchell, 271.

²⁷³ *Ibid.*, 271.

²⁷⁴ *Ibid.*, 270. After the incident was resolved, President Carter created a new position, the Mexican Affairs Coordinator, within the State Department who was “charged with highlighting linkages between issue areas, mediating in the resulting bureaucratic politics, and eventually identifying trade-offs not only among agencies but among different subjects. *Ibid.*, 270.

²⁷⁵ Teitelbaum, “Immigration, Refugees, and Foreign Policy,” 437-438.

Policies to Seize Assets

A state can force the emigration of residents and seize their assets. This can be done to procure funds to finance war, punish citizens who support an enemy state, or discourage residents from supporting an adversary nation.

British Loyalists. The U.S. did this during the Revolutionary War with British loyalists. Congress, soon after declaring independence from Britain, argued that “those who refused to protect their country should be excluded from its protection” and passed a resolution calling for the states to enact laws punishing those loyal to the Crown.²⁷⁶ Every state by 1782 did so by imposing penalties on loyalists such as banishment, removal of civil and political rights, exclusion from occupations, and even death, which contributed to an estimated fifty to one hundred thousand British supporters emigrating to places such as the Bahamas, Bermuda, Canada, England, Florida, and Nova Scotia.²⁷⁷

State leaders concurrently passed legislation that permitted the confiscation and sale of property belonging to departing loyalists.²⁷⁸ For example, Maryland collected nearly £1 million in loyalist property, including books, bureaus, coffee roasters, dishes, gristmills, inkstands, ironworks, kitchen utensils, land, pewter plates, slaves, stove hearths, and tools.²⁷⁹ New York acquired approximately £4 million in loyalist property, including assets such as “live stock, farm implements, household articles, barn and cellar fixtures, grain, fruits, hay,

²⁷⁶ William S. Livingston, “Emigration as a Theoretical Doctrine during the American Revolution,” *The Journal of Politics* 19 (November 1957): 602n, 612, quote on 612.

²⁷⁷ *Ibid.*, 600-601, 602n.

²⁷⁸ *Ibid.*, 601, 602n, 611-612.

²⁷⁹ Kimberly Michelle Nath, “Difficulties in Loyalism after Independence: The Treatment of Loyalists and Nonjurors in Maryland, 1777-1784,” Masters of Arts Thesis, University of Maryland, 2009.

clothing, [and] books.”²⁸⁰ And Georgia collected nearly £500,000 of property by confiscating large estates and plantations owned by loyalists.²⁸¹

The states did this to finance the Revolutionary War, reprove those who remained loyal to the Crown, limit the resources available to those aiding British regiments, discourage citizens from supporting the enemy, and “punish” Britain. Massachusetts, for example, passed a confiscation law because the loyalists were “guilty of such atrocious and unusual crimes against their country that every friend of mankind ought to forsake and detest them.”²⁸² Maryland enacted a similar law because the “British army and navy, and other armed vessels, acting under the authority of the British king, have seized in this and other of the United States the negroes and other property of the citizens of these states, and the property so seized have carried off and disposed of at their will and pleasure.”²⁸³ A revolutionary pamphlet informed loyalists that “the war was begun at your behest, and has been prolonged by your advice: It is therefore but common justice, that your estates should go to the support of it.”²⁸⁴ And George Washington ordered the confiscation of loyalist arms because, he asked, “Why should persons who are preying on the vitals of the country, be suffered to stalk at large, whilst we know that they will do us every mischief in their power?”²⁸⁵

²⁸⁰ Alexander Clarence Flick, *Loyalism in New York during the American Revolution* (New York: AMS Press, 1970 [1901]), 141.

²⁸¹ Robert S. Lambert, “The Confiscation of Loyalist Property in Georgia, 1782-1786,” *The William and Mary Quarterly* 20 (January 1963): 80-94.

²⁸² Quoted in Livingston, “Emigration as a Theoretical Doctrine,” 612.

²⁸³ Quoted in *Ibid.*, 612.

²⁸⁴ Quoted in *Ibid.*, 612.

²⁸⁵ *Ibid.*, 598, 598n, quote on 598n.

The British loyalist example thus illustrates that the U.S. can enact policies to force the emigration of residents to seize their assets for foreign policy objectives such as financing war.

Policies to Seize Territory

A state can use migration as a tool to seize territory by allowing the movement of its nationals into land belonging to a foreign power. It can then attempt to take the desired territory through negotiation or war by using settlers as bargaining chips or soldiers.

Manifest Destiny/Westward Expansion: U.S. leaders, for example, used migration to assist with its westward expansion during the eighteenth and nineteenth centuries. The U.S. consisted of thirteen thinly populated states on the Atlantic seaboard when it declared independence from Britain, but by the Civil War it controlled an empire spanning to the forty-ninth parallel in the Pacific Northwest, the border of Mexico in the southwest, and the Pacific Ocean.²⁸⁶ The rapid growth of the country was consistent with the spirit of Manifest Destiny—a phrase used to describe a belief held by many leaders during the period that American territorial expansion was predestined.²⁸⁷ American leaders broadly viewed immigration as an essential component of expansion and the federal government left the U.S. borders open from the early republic to approximately the twentieth century, resulting in more than nineteen million foreigners coming to the country during the period.²⁸⁸

More directly, the U.S. used migration as a form of low-intensity conquest by having settlers move into territory belonging to foreign states. For example, approximately twenty thousand Americans emigrated during the 1820s and early 1830s into Texas, which was a

²⁸⁶ David S. Heidler and Jeanee T. Heidler, *Manifest Destiny* (Westport, CT: Greenwood Press, 2003), 1.

²⁸⁷ The leader, for example, thought to coin the phrase proclaimed that it “is by the right of our manifest destiny to overspread and to possess the whole of the continent which Providence has given us for the development of the great experiment of liberty and federated self-government entrusted to us.” See Julius W. Pratt, “The Origin of ‘Manifest Destiny’,” *The American Historical Review* 32 (July 1927): 795-798, quote on 795.

²⁸⁸ Totten, “Security and U.S. Immigration Policy.”

Spanish and later a Mexican possession during this period. The “Texans,” significantly outnumbering the local Mexican population, declared independence in 1836 and were annexed by the U.S in 1846, thus adding to American territory.²⁸⁹ Similarly, American nationals during the early nineteenth century settled in Spanish Florida, which led to skirmishes with Indians and other residents in the area who felt threatened by their presence. American General Andrew Jackson responded by raiding Florida to retaliate for Indian attacks and his actions convinced Spanish leaders to cede the territory to the U.S. as part of the Transcontinental Treaty of 1819.²⁹⁰

These examples illustrate how the U.S. can use migration for territorial expansion. As Heidler and Heidler explain regarding the technique, “Settlements either tied directly to the United States or composed of those sympathetic to American ideals would spread to the frontier. As this American presence increased, abrasive incidents with the people of bordering provinces ultimately prompted U.S. intervention responding to a perceived need to secure national boundaries. The result could be a diplomatic solution...or it could be a martial one...but the result would be the same: the expansion of U.S. territory and the corresponding expansion of U.S. power and interests.”²⁹¹ The Florida and Texas examples thus illustrate how the U.S. has used immigration for territorial expansion.

SUMMARY

This chapter detailed the types of policies that U.S. leaders use to manipulate immigration for foreign policy objectives, which include inviting immigrants from a nation that prohibits or discourages exit of their residents to anger or “weaken” that foreign state,

²⁸⁹ Eugene C. Barker, “The Annexation of Texas,” *The Southwestern Historical Quarterly* 50 (July 1946): 49-74; Heidler and Heidler, *Manifest Destiny*, 97-116; and David E. Narrett, “A Choice of Destiny: Immigration Policy, Slavery, and the Annexation of Texas,” *The Southwestern Historical Quarterly* 100 (January 1997): 271-302. The Texas example discussed above is mentioned in, Teitelbaum, “Immigration, Refugees, and Foreign Policy,” 438.

²⁹⁰ Heidler and Heidler, *Manifest Destiny*, 62-80.

²⁹¹ *Ibid.*, 71.

forcing the emigration of residents to seize their assets, inviting immigrants from a country to foster, initiate, or improve a relationship with that foreign state, linking an immigration issue with issues in other policy areas to serve as a bargaining chip in negotiation and trade with states, permitting U.S. citizens to emigrate into foreign territory to assist with capturing land, and training immigrants upon receiving them to return and resist the ruling regime in their home country.

Material and Military Objectives and U.S. Immigration Policy

What is the relationship between immigration and U.S. material and military interests?

How have leaders factored material and military objectives into American immigration policy?

The answer to these questions is rooted in that leaders concern over the material and military power of their states to ensure security the international system. This is the case, many scholars argue, because the global system lacks a universal sovereign or policeman to protect nations from harming one another so leaders often seek economic and military resources to provide for the safety of their states in the global community.²⁹² If negotiation and diplomacy do not work for a state in reaching its objectives then money or military might can obtain the resources or fear needed for its security in the world system.²⁹³

Leaders desire economic and military strength because they are closely related sources of power and security for a state.²⁹⁴ Economic strength provides the central means for a state to furnish the resources it needs to reach its objectives in the international system, and if it must resort to force to protect its interests, then a state can convert its wealth into

²⁹² See, for example, Ken Booth and Nicholas J. Wheeler, *The Security Dilemma: Fear, Cooperation and Trust in World Politics* (New York: Palgrave MacMillan, 2008); John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton & Company, 2001), esp. 3, 29-54; and Kenneth Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley, 1979).

²⁹³ Mearsheimer, *Great Power Politics*, 34-36.

²⁹⁴ On the relationship between economic and military strength see, for example, Edward Mead Earle, "Adam Smith, Alexander Hamilton, Friedrich List: The Economic Foundations of Military Power," in *Makers of Modern Strategy: From Machiavelli to the Nuclear Age*, ed. Peter Paret (Princeton, NJ: Princeton University Press, 1986); Klaus Knorr and Frank N. Trager, eds., *Economic Issues and National Security* (Lawrence, KS: University Press of Kansas, 1977); Knorr, *Military Power and Potential* (Lexington, MA: D.C. Heath and Company, 1970), 25-26, 41-117; idem, *The Power of Nations: The Political Economy of International Relations* (New York: Basic Books, Inc., Publishers, 1975), 45-63; Michael Mastanduno, "Economics and Security in Statecraft and Security," in *Exploration and Contestation in the Study of World Politics* (Cambridge, MA: The MIT Press, 1999); and Mearsheimer, *Great Power Politics*, 55-82. For example, the great powers during WWII devoted up to fifty percent of their gross national product to their war efforts and the U.S. has so far spent over nine hundred billion dollars on the ongoing Afghanistan and Iraq Wars. Knorr, *Military Power*, 42. Financial resources are also particularly important in long and demanding arms races, such as the one between the Soviet Union and the U.S. during the Cold War, as reflected in that a F-22 fighter costs approximately \$150 million, a B-2 bomber costs about \$2 billion, and an aircraft carrier costs roughly \$5 billion. William C. Martel, "Technology and Military Power," *The Fletcher Forum of World Affairs* 25 (Summer 2001): 187.

military strength.²⁹⁵ The core building blocks of the material and military strength of a state are related to the size and skill of its labor force and population—a large, efficient, and technologically advanced population has the capacity to produce great wealth and a formidable military.²⁹⁶ As Samuel Huntington explains regarding a related issue, the “currency here is men, money, and material.”²⁹⁷

Leaders through history have gone to great lengths to ensure that their states are endowed in these areas.²⁹⁸ One way that they have done this is through immigration because it can affect the size and skill level of the labor force and population of a state and provide human numbers and experts to serve as soldiers and workers. Immigrants provide a state with men for militaries, people to settle and secure territory, workers to build fortifications and infrastructure, and perhaps of particular importance in the modern era, scientists and specialists with the expertise to build and operate the cutting-edge technologies needed for economic production and weaponry.

²⁹⁵ Historical and statistical studies indicate that wealth and state strength are connected. For example, an analysis of a standard list of international wars over the past two centuries found that seventy nine percent (31 of 39) of these conflicts were won by the side with more material resources, which indicates a strong relationship between wealth and victory. Steven Rosen, “War Power and the Willingness to Suffer,” in *Peace, War, and Numbers* (Beverly Hills, CA: Sage Publications Inc., 1972), 177. Similar results were found by James Lee Ray and Kevin Wang, “Beginners and Winners: The Fate of Initiators of Interstate Wars Involving Great Powers since 1495,” *International Studies Quarterly* 38 (March 1994): 146. Paul Kennedy’s impressive survey of international history from 1500 to the end of the twentieth century similarly finds that “the historical record suggests that there is a very clear connection *in the long run* between an individual Great Power’s economic rise and fall and its growth and decline as an important military power (or world empire).” Paul Kennedy, *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000* (New York: Random House, 1987), xxiii-xxiv. See also William H. McNeill, *The Pursuit of Power: Technology, Armed Force, and Society since A.D. 1000* (Chicago, IL: The University of Chicago Press, 1982).

²⁹⁶ The connection between these areas of a state and its material and military strength is discussed in the next part of this chapter.

²⁹⁷ Samuel Huntington, *The Common Defense* (New York: Columbia University Press, 1961), 1.

²⁹⁸ On the extent to which states seek to mobilize societal and material resources for military purposes, Michael Barnett, “High Politics is Low Politics: The Domestic and Systemic Sources of Israeli Security Policy, 1967-1977,” *World Politics* 42 (July 1990): 529-562; and Alan C. Lamborn, “Power and the Politics of Extraction,” *International Studies Quarterly* 27 (1983): 125-146.

Few extant studies examine how material and military considerations factor into U.S. immigration policy.²⁹⁹ This chapter fills this omission in the literature by using the international relations and security studies literatures, government documents, legal statutes, private correspondence amongst leaders, secondary sources by historians, and works by political demographers to detail the connection between immigration and the material and military strength of a state, identify the ways that the U.S. has used immigration to manipulate its material and military power, and provide historical examples of U.S. immigration policies designed for the national interest. The first part of the chapter describes the ways in which the composition, size, and technological capacity of the labor force and population of a state are principal determinants of its material and military power. The second part of the chapter details the types and examples of immigration policies used by U.S. leaders to manipulate these features of its labor force and population for material and military growth, which are broadly related to policy measures that (1) import foreign manpower during war, (2) recruit skilled immigrants, and (3) increase population size. (See the table below for elaboration, which is reproduced from the introduction.)

²⁹⁹ The one notable exception is, Verrnon M. Briggs, Jr., *Mass Immigration and the National Interest: Policy Directions for the New Century*, 3rd ed. (Armonk, New York: M.E. Sharpe, 2003).

Table 2: Material and Military Objectives & U.S. Immigration Policy

Material/Military Objective	Immigration Policy	Immigration Policy Instruments/Vehicles	Examples of Immigration Policies
Equip Workforce and Military with Advanced Technologies and Weaponry	Recruit High-Skilled/ Technical Foreign Labor	Stipulations in Immigration Laws to Accept Foreigners with Specified Skills; Distributing "Recruitment" Literature in Foreign Countries; Offering Foreigners Inducements such as Tax Incentives to Emigrate; Sending Recruitment Agents to Foreign Countries	Exemptions in restrictive immigration laws (e.g., 1920s Quota Acts and the McCarran-Walter Act of 1952) for foreigners with desired skills. Visas allocated in immigration legislation for foreigners with desired skills (e.g., Immigration Act of 1965 and Immigration Act of 1990).
Increase Size of Workforce and Military	Invite or Permit the Entrance of Large Numbers of Immigrants	Liberal Immigration Laws; Distributing "Recruitment" Literature in Foreign Countries; Offering Foreigners Inducements such as Tax Incentives to Emigrate; Sending Recruitment Agents to Foreign Countries	"Open Door" policy instituted by the federal government during the 18 th and 19 th centuries. Colonial and state governments during this period also offering inducements for immigrants to come to their territories as well as sending recruitment agents to foreign countries.
Assist with War Effort	Recruit Foreign Manpower to Assist with War	"One-Time" Immigration Laws Designed to Attract Immigrants to Assist with War; Temporary Foreign Worker Programs	1864 Act to Encourage Immigration during the Civil War to recruit foreign manpower to the north. Temporary foreign worker programs during WWI, WWII, and the Korean War.

Part I: Building Blocks of the Material and Military Strength of a State

The composition and size of its population as well as the technological capacity of a state serve as principal building blocks of its economic and military strength. This section details these components of a state and their relationship to security to show the incentive that leaders have to design immigration policies to manipulate them for the national interest. The next part of the chapter will then detail the immigration policies used by leaders for these purposes.

Population and Material and Military State Strength

A quick analysis of states in the international system today reveals an obvious relationship between the size of the population of a state and its strength. For example, countries such as El Salvador, Grenada, Ireland, and Israel with populations ranging from

104,000 to 7.5 million people do not wield nearly as much influence and power in most areas of international politics as do great powers such as China, Russia, and the United States which have populations ranging from 142 million to 1.3 billion people.³⁰⁰ This is why large populations have through history inspired “confidence at home and fear and respect abroad,” with an older generation of scholars such as Hans Morganathau arguing that “no country can remain or become a first-rate power which does not belong to the more populous nations of the earth” and contemporary commentators frequently citing China with its large population as a formidable state that the U.S. will likely have to increasingly confront in coming years.³⁰¹ The principal reason for these statistics and comments is because a large population contributes to state strength through providing manpower for its military and economy.³⁰²

Population and Military Power: In regard to military power, manpower is essential for strength in war because even in the modern era it is primarily men who make the decisions in combat, operate the equipment of war, control territory, and represent the “ultimate

³⁰⁰ The population data is from the “Population Reference Bureau,” at <http://www.prb.org/DataFinder.aspx#> Katherine (accessed on May 4, 2010). One of the main reasons that having a large population is important for a great power even with the technological innovation of the modern era is because “nothing else can be entirely substituted” for human numbers. “Machines can be used in industry and weapons in warfare,” a demographer explains, “but behind these there must be human beings.” Kingsley Davis, “The Demographic Foundations of National Power,” in Morroe Berger, Theodore Abel, and Charles H. Page, eds., *Freedom and Control in Modern Society* (Toronto, Canada: D. Van Nostrand Company, Inc., 1954), 210.

³⁰¹ Katherine Organski and A.F.K. Organski, *Population and World Power* (New York: Alfred A. Knopf, 1961), 26. They also explain that people’s perception of population size amount to “self-fulfilling and self-defeating prophecies: the nation sure of its future power works with a will to bring that power to pass; the nation that foresees a hopeless struggle gives up at the start, thus guaranteeing defeat. There is strength in numbers, satisfaction in the knowledge that one’s small effort is multiplied by millions, consolation for private frustration in identification with a mighty nation. *Ibid.*, 26-27. Morgenthau also concluded that, “shifts in the distribution of power within Europe in recent history have been roughly duplicated by the changes in population trends.” Morgenthau, *Politics Among Nations* (New York: McGraw Hill, 1993 [1948]), 140-141. See also Ronald R. Krebs and Jack S. Levy, “Demographic Change and the Sources of International Conflict,” in *Demography and National Security*, eds., Myron Weiner and Sharon Stanton Russell (New York: Berghahn Books, 2001), 64.

³⁰² Organski and Organski explain that, “A large population provides the manpower for a mighty armed force, provides the labor to produce great national wealth, provides the consumers who act as markets for other nations, provides the taxpayers who underwrite the enormous cost of playing world politics at present stakes, and provides the confidence to run the necessary risks of such a game. It is hard to escape the conclusion that great populations make great nations.” *Idem and idem, Population and World Power*, 246-247.

manifestation of national commitment.”³⁰³ For thousands of years prior to the arrival of modern weaponry in the twentieth century, “national strength was equated with population size and large standing armies were viewed as the foundation of military power.”³⁰⁴ Carl Von Clausewitz, the imminent military strategist of the nineteenth century, concluded in *On War* that “Superiority of Numbers” “is in tactics, as well as in strategy, the most general principle of victory” and a popular adage of his era was that “God is always on the side of the bigger battalions.”³⁰⁵

Manpower remains militarily important for states today even as modern technologies such as nuclear weaponry have substantially changed the nature of warfare. For one, advanced weapons are without value absent men to control them, and even though states require fewer infantrymen in modern war, militaries now require large numbers of scientists and technicians to carry out their objectives.³⁰⁶ Second, studies indicate that “whenever the level of technological development between adversaries in a war is comparable the strength of

³⁰³ Gregory D. Foster, “Manpower as an Element of Military Power,” in *The Strategic Dimension of Military Manpower*, eds., idem, Alan Ned Sabrosky, and William J. Taylor, Jr. (Cambridge, MA: Ballinger Publishing Company, 1987), 14-15.

³⁰⁴ Christopher Rudolph, *National Security and Immigration: Policy Development in the United States and Western Europe since 1945* (Stanford, CA: Stanford University Press, 2006), 24. For example, even with the brilliant military leadership of Robert E. Lee, the Confederacy could not overcome the population advantage of the Union during the Civil War, which many scholars argue is a principal reason for northern victory. Abraham Lincoln had over twenty-two million people under his direction, whereas Jefferson Davis had only nine million people at his command.

³⁰⁵ Clausewitz also comments that, “It is but natural that the subsistence [of armies] should be more easily carried out in rich and well-peopled countries than in the midst of a poor and scanty population...there is infinitely less difficulty in supporting an Army in Flanders than in Poland.” Carl Von Clausewitz, *On War* (New York: Barnes and Noble, 1968), 2:103. See also the discussion in John Saunders, “Introduction: Population and Security,” in *Population Change and European Security*, eds., Lawrence Freedman and John Saunders (London: Brassey’s, 1991), 1. The popular saying is believed to have come from Voltaire. Krebs and Levy, “Demographic Change,” in *Demography and National Security*, eds., Weiner and Russell, eds., 66, 92n; John Keegan, “The Role of Manpower in Traditional Strategic Thought,” in *Strategic Dimension of Military Manpower*, eds., Foster, Sabrosky, and Taylor, 37.

³⁰⁶ A military professor, for example, worries that, “Far more attention is given to new technologies and even new operational concepts than to the human resources necessary to make them work.” “In the United States, concern has been expressed that strategic potential has been driven far too much by what technology can offer rather than by what the available manpower makes possible.” Lawrence Freedman, “Demographic Change and Strategic Studies,” in *Population Change and European Security*, eds., idem and John Saunders (London: Brassey’s, 1991), 15.

an army has often been in direct relationship with the number of soldiers” that it has in its ranks.³⁰⁷ And third, the diversity and unpredictability of modern war also advantages those states that have large numbers of soldiers at their disposal—for example, states often have to fight on more than one continent, as was the case for the U.S. during WWII, and states also often have to transport troops over large geographical distances and across diverse terrains such as oceans and mountains, as has been the case for the U.S. with its wars in Afghanistan, Iraq, North Korea, and Vietnam over the past sixty years.³⁰⁸

Statistical studies confirm the importance of a large population for the success of a state in war. An analysis of a list of international wars between 1815 and 1945 found that seventy percent (28 of 40) of these conflicts were won by the coalition or state with the larger population. Similarly, this study also found that the sides that lost a smaller percentage of their populations were victorious in seventy-five percent of the wars (30 of 40), which also indicates an advantage for states with large populations because they can “afford” to lose more soldiers in battle than those states with fewer human numbers.³⁰⁹ A study of eighty-three developing nations also found that population size was highly correlated with military power (correlation of .94), as measured by the total number of military personnel that these states had on duty, even when controlling for the level of economic development within these states.³¹⁰

Population and Material Power: Part of the reason for these types of findings regarding population size and military power is because large populations are capable of producing

³⁰⁷ Marcel Leroy, *Population and World Politics: The Interrelationships between Demographic Factors and International Relations* (Boston, MA : Martinus Nijhoff Social Sciences Division; Hingham, MA: Distributors for North America, Kulwer Boston, Inc., 1978), 22.

³⁰⁸ Davis, “Demographic Foundations of National Power,” in *Freedom and Control in Modern Society*, eds. Berger, Abel, and Page, 211.

³⁰⁹ Rosen, “War Power and the Willingness to Suffer,” in *Peace, War and Numbers*, ed., Russett, 177.

³¹⁰ Gerry E. Hendershot, “Population Size, Military Power, and Antinatal Policy,” *Demography* 10 (November 1973): 517-524.

great amounts of wealth for states. Economists debate the relationship between wealth and population growth, and whether more human numbers neatly translate into increased economic growth for nations over the long-run, but it is clear that leaders of states with large populations have greater financial resources available to them than leaders of states with smaller populations with similar per capita income.³¹¹ For example, applying a line of reasoning developed by Michael Teitelbaum and Myron Weiner to the present-day, only two of the ten (Japan and the U.S.) most populous states in the world as of 2009 can be classified as wealthy developed countries, but the governments of these other states (China, India, Indonesia, Brazil, Pakistan, Bangladesh, Nigeria, and Russia) “by virtue of sheer size...can command larger national budgets than would be available if they had the same per capita income but smaller populations.”³¹² Consequently, these states have more finances at their disposal to develop nuclear weapons and other instruments of war than those states with smaller-sized populations and similar low per capita income.³¹³

States with larger populations are also likely to possess other economic and strategic benefits. For one, these states often have more independence in comparison to those states with fewer human numbers in matters of foreign trade because they are capable of producing a greater variety of products domestically, thereby limiting their reliance on foreign suppliers and markets, which can be especially advantageous during times of war.³¹⁴ Second, a large population is likely to increase the “supply of creative intelligences” in a polity and the likelihood of technological innovation within the state.³¹⁵ Third, more populated states are

³¹¹ Leroy, *Population and World Politics*, 23.

³¹² Myron Weiner and Michael S. Teitelbaum, *Political Demography, Demographic Engineering* (New York: Berghahan Books, 2001), 15.

³¹³ *Ibid.*, 15.

³¹⁴ Leroy, *Population and World Politics*, 23.

³¹⁵ Krebs and Levy, “Demographic Change and Sources of Conflict,” in *Demography and National Security*, eds., Weiner and Russell, 71.

also more likely to have larger internal markets that allow for greater economies of scale and a wider variety of industries.³¹⁶ And fourth, governments with large populations frequently develop greater organizational skills than ones with small populations.³¹⁷

Consequently, as the discussion in this section indicates, leaders have strong incentive to manipulate the size of their state's population because of the affect that doing so has on economic and military strength, and as will be shown in the next part of the chapter, U.S. leaders have attempted to do this by inviting large numbers of immigrants to the country.

Technology and Material and Military State Strength

Technological prowess is commonly viewed as a matter of power and prestige amongst members of the international community.³¹⁸ U.S. analysts, academics, and leaders frequently make this connection. For example, a Naval War College analyst recently stated that because of “its significant resources in technology as well as the breadth and depth of its technologies, other states cannot compete militarily with the United States and are likely to fail when they try”; the National Defense Panel, assembled by Congress to assess the security

³¹⁶ Leroy, *Population and World Politics*, 23; and Myron Weiner, “Political Demography: An Inquiry into the Political Consequences of Population Change,” in *Rapid Population Growth: Consequences and Policy Implications*, ed., National Academy of Sciences, Office of the Foreign Secretary (Baltimore, MD: The Johns Hopkins Press), 593-594.

³¹⁷ Leroy, *Population and World Politics*, 23. The total number of people in a nation, however, is not the only feature of a population that is important for the power of a state, notably because the age and gender structure of the members of a polity can have a significant affect on its economic and military potential. This is the case because humans between the ages of fifteen and sixty-five typically constitute the economically productive portion of a society and soldiers are typically males and between the ages of eighteen and thirty-five. These considerations could affect state migration policies. Knorr, *Military Power and Potential*, 65, 167-168; and Organski and Organski, *Population and World Power*, 14, 154.

³¹⁸ This is exemplified by the fear and respect that the U.S. had of the Soviet Union during the Cold War after they launched Sputnik and became the first state to place an Earth-orbiting satellite in space. Hohlfeld, “International Migration of High-Skilled and National Systems of Innovation,” Working Paper 1, available at, <http://www2.druid.dk/conferences/viewpaper.php?id=1989&cf=28> (accessed April 15, 2011). More broadly, studies indicate that the effect of technology on international relations is wide-ranging and potent, with it capable of rapidly changing the structure of the global system through affecting the relative capabilities of states, altering the processes underlying international relations (such as diplomacy, finance, trade, and war), generating new issues areas (such as endangered species, global warming, and stem cell research), and affecting the ideas and information through which the international system is constructed and perceived (through, for example, media and communication systems). Charles Weiss, “Science, Technology and International Relations,” *Technology in Society* 27 (2005): 295.

imperatives of the twenty-first century concluded that the U.S. must “lead the technological revolution” to remain competitive in the international system; and IR scholars such as Mearsheimer have stated that “only states with the most advanced industries are capable of producing large quantities of sophisticated weaponry that militaries need to survive in combat.”³¹⁹ The historical record also supports this perspective and indicates that states on the “technological ascent generally experience a corresponding and dramatic change in their global stature and influence,” such as Britain during the first industrial revolution, the U.S. and Germany during the second industrial revolution, Japan during the twentieth century, and perhaps China and India during this century.³²⁰ The reason for these findings and comments is because technology enhances a state's security through strengthening its armed forces and economy.

Technology and the Military Strength of States: A large number of historical examples illustrate the importance of technology for the military strength of states. The ancient Egyptians, equipped with bronze weaponry, were defeated by adversaries using harder iron swords; the ancient Greeks defeated larger Persian armies in part because their body armor allowed them to fight safely at close ranges; the armored and mounted knight lost their centuries-long advantage nearly overnight with the arrival of the crossbow, longbow, and pike

³¹⁹ The Naval War College analyst also argues that the primary reasons for U.S. military superiority are that “the span of technologies being developed by private firms, defense contractors, universities, and government laboratories in the United States exceeds that which is being developed by other states,” and “the depth of technological knowledge existing in the public and private sectors of the United States is without precedent.” Martel, “Technology and Military Power,” 179. The National Defense Report is referenced in *Ibid.*, 179. A Senate Armed Services Committee Report has similarly declared that one of its most important priorities is “to maintain a strong, stable investment in science and technology in order to develop superior technology that will permit the United States to maintain its current military advantage.” Quoted in *Ibid.*, 179. Mearsheimer, *Great Power Politics*, 62-63. For similar comments by other IR scholars, Robert Gilpin, *War and Change in World Politics* (Cambridge, UK: Cambridge University Press, 1981), 182; and Quincy Wright, *The Study of International Relations* (New York: Appleton-Century-Crofts, 1955), 381.

³²⁰ On the other hand, great powers that fail to keep up with technological changes “generally drift and fade from influence on the international scene,” as exemplified by once powerful states such as France, the Netherlands, Russia, and Sweden, which concurrently lost their leadership status in science and technology as well as in the international community. Mark Zachary Taylor, “The Politics of Technological Change: International Relations versus Domestic Institutions,” Paper Prepared for the Massachusetts Institute of Technology Department of Political Science Work in Progress Colloquia, April 1, 2005, 1, 1n.

in medieval Europe; once impenetrable walled castles and fortifications were flattened by cannons in the fourteenth and fifteenth centuries; and perhaps most notably in regard to advantageous technologies, the sailing ship and gunpowder advantaged European states over the rest of the world for centuries.³²¹

The importance of technology for states in international relations has grown more critical over the past two centuries as the pace of innovation has rapidly accelerated.³²² Awesome changes have occurred in all facets of warfare throughout this period, such as in regard to firepower capabilities (from muskets to machine guns to nuclear weapons), mobility (from horse, to airplanes, submarines, tanks, and trains), communications (from the mail system to the telegraph, radio, cell phones, and internet), and intelligence (from human-gathering to radar and sonar and satellite spying).³²³ The ramifications of these types of technological changes can be swift and potent. For example, Great Britain lost its millennium-long security advantage as an island near impossible to invade practically practically overnight with the invention of the airplane, while the arrival of this technology advantaged states with large territories such as China, India, Russia, and the U.S. that are

³²¹ Victor Basiuk, *Technology, World Politics, & American Policy* (New York: Columbia University Press, 1977), 12; Barry Buzan, *An Introduction to Strategic Studies: Military Technology and International Relations* (Houndmills, Basingstoke, Hampshire, UK: Macmillan Press in association with the International Institute for Strategic Studies, 1987), 17-18; and Warner R. Schilling, "Science, Technology and Foreign Policy," *Journal of International Affairs* 13 (1959): 8.

³²² Buzan, for example, explains that "the historical norm has reflected a pace of technological innovation so slow that the continuity of weapons systems has been more conspicuous than their transformation. The military technology of the Roman legions changed little in the six centuries between the conquest of Greece and the fall of Rome. The galleys used by the Ottomans and the Christians during their Mediterranean wars as late as the sixteenth century were quite similar to those used by the Greeks against Xerxes in 480 BC. The ships of the line that fought at Trafalgar in 1805, and even as late as the Crimean War (1854-6), were easily recognizable as the same class of ship pioneered by Henry VIII in the first half of the sixteenth century." "By the middle of the nineteenth century, however, a fundamental transformation in military technology was underway. The industrial revolution, with its ever expanding use of energy and machinery in the process of production had by that time developed such momentum that major changes in technology began to occur frequently. From around the middle of the nineteenth century, long periods of technological continuity virtually disappeared, and a new norm of continuous change asserted itself. That norm still prevails, and it shows little sign of weakening." Buzan, *Strategic Studies*, 18.

³²³ *Ibid.*, 19-26.

more capable of “sustaining” aerial bombardments.³²⁴ Perhaps more so than ever, states require keeping on top of technological advances to remain competitive in the international system.

This is the case because technology is essential for a state in all areas of its security. For one, in regard to military considerations, Martin Van Crevald, the noted military historian, explains that war is “permeated by technology to the point that *every* single element is either governed by or at least linked to it,” such as “the causes that lead to wars, and the goals for which they are fought; the blows with which campaigns open....the relationship between the armed forces and the societies that they serve; planning, preparation, execution, and evaluation; operations and intelligence and organization and supply; objectives and methods and capabilities and missions; command and leadership and strategy and tactics.”³²⁵ Second, technology is important for a state's foreign policy because its diplomatic choices are often dictated by the technologies that it has available to carry out its objectives. And third, leaders utilize technologies to assist with domestic security and the policing of their state as well as for extracting resources from constituents for military production.³²⁶

Technology and State Material Strength: Perhaps most importantly, technology is essential for a state to build its wealth, which in turn provides the resources required for its objectives and security in the international system.³²⁷ Long-term studies, for example, find

³²⁴ Wright, *Study of International Relations*, 381.

³²⁵ Martin van Creveld, *Technology and War: From 2000 B.C. to the Present* (New York: The Free Press, 1989), 1, 311. Buzan similarly explains that, “Technology is a major factor in determining the scope of military options, the character of military threats, and the consequences of resorting to the use of force. Technology, in other words, is a major variable affecting the instruments of force available to political actors.” Buzan, *Strategic Studies*, 6-7.

³²⁶ Technology can also serve as an issue in diplomatic relations amongst nations, exemplified by the high-stakes politics associated with nuclear weapons. John V. Granger, *Technology and International Relations* (San Francisco: W.H. Freeman and Company, 1979), 31-32.

³²⁷ For example, the rise of U.S. economic and military power in the postwar period is often associated with its extraordinary spending on research and development (R&D), which totaled \$100 million in 1940, but rose to \$13.7 billion by 1960, \$63.2 billion by 1980, and \$347.9 billion by 2005. These figures are from the National Science Foundation, at <http://www.nsf.gov/statistics/nsf08318/pdf/tab1.pdf>, accessed on January 13, 2010. Scholars have also quantitatively mapped the pace technological progress and many conclude that it is rapidly and perhaps

that “innovation” is the most important component of economic growth for states because it results in productivity gains and the creation of new products, services, and systems.³²⁸ One study estimates that advances in technology accounted for approximately forty-nine percent of the economic growth of the United States during the latter half of the twentieth century, and even more so for the growth of other states, with technology accounting for fifty-five to seventy-eight percent of the economic growth in France, Germany, Japan, and the United Kingdom during this time period.³²⁹ Other studies similarly suggest that a significant percentage of the differences in GDP growth rates amongst countries can be accounted for by differences in their “innovative performances.”³³⁰ And still other studies show that government efforts to increase the supply of high-skilled workers within their states results in increased technical progress for that state, which suggests that inviting high-skilled immigrants provides a substantial economic boost to states.³³¹

Consequently, as the discussion in this section indicates, leaders have a strong incentive to focus on improving the skill set of their workforces and militaries because of the affect that technology has on the security and strength of a state, and as the next part of this chapter will illustrate, U.S. leaders have attempted to do this through policies designed to attract and import skilled foreign laborers, which is one of the most cost-effective and quickest ways for leaders to augment the skill set of their populations.

even exponentially accelerating, thus increasing the likelihood of its importance to international relations, with the time lag between the discovery of a new technology and its widespread exploitation by states shrinking progressively. Knorr, *Military Power and Potential*, 74; and Ray Kurzweil, *The Singularity is Near: When Humans Transcend Biology* (New York: Viking, 2005).

³²⁸ Graham R. Mitchell, “Global Technology Policies for Economic Growth,” *Technology Forecasting and Social Change* 60 (March 1999): 207.

³²⁹ Michael J. Boskin and Lawrence J. Lau, “Capital, Technology, and Economic Growth,” in *Technology and the Wealth of Nation*, eds., Nathan Rosenberg, Ralph Landau, and David C. Mowery (Stanford, CA: Stanford University Press, 1992), 47.

³³⁰ Markus Balzat, *An Economic Analysis of Innovation: Extending the Concept of National Innovation Systems* (Cheltenham, UK: Edward Elgar Publishing, 2006), 1; and Hohlfeld “The International Migration of High-Skilled and National Systems of Innovation,” 2.

³³¹ *Ibid.*, 2.

Part 2: Material and Military Objectives and U.S. Immigration Policies

Leaders thus have a strong motivation to manipulate the composition, number, and technological skills of the members of their state for security purposes. American officials have in fact done this from the colonial period to the present day by designing immigration policies to alter the skill level and size of the labor force and population of the country to boost material and military strength. The types of measures that they have created to do this fall into three broad categories, which are policies designed to (1) recruit foreign manpower during war, (2) attract skilled labor, and (3) increase population size. This part of the chapter describes and provides historical examples of the immigration policies and instruments used by U.S. officials to reach these objectives for material and military reasons.

MATERIAL AND MILITARY OBJECTIVE #1: MANPOWER DURING WAR

U.S. leaders have created policies to recruit foreign manpower to enhance material and military strength during every major war in American history. They have done this during war by devising incentives for immigrants to come to the U.S., through distributing recruitment literature and sending agents overseas to convince foreigners to come to America, and by setting up temporary foreign worker programs. This section describes the use of these policies by U.S. leaders during its major wars, the Civil War, WWI, and WWII, as well as during the Korean War, which is the last conflict that manpower shortages necessitated American officials to seek foreign labor.³³²

Civil War: Workforce vacancies during the Civil War left by the large number of men fighting prompted Union leaders and to a lesser extent Confederacy officials to devise several

³³² U.S. leaders also utilized foreigners in military operations during the Revolutionary War, which is the one total war fought by Americans that is not discussed in this section. See Marilyn C. Baseler, *"Asylum for Mankind": America, 1607-1800* (Ithaca, NY: Cornell University Press, 1998), 142, 145.

policies to attract immigrants to the states to utilize their labor to assist with the domestic war effort as well as man the armed forces.³³³

For one, northern and southern leaders devised incentives for foreigners to come to America, sent agents throughout Europe to recruit immigrants, and arranged to have recruitment literature disseminated throughout foreign nations. For example, Abraham Lincoln, as the war deepened and it grew apparent that quick victory was unlikely for the north, signed into law the Homestead Act in May, 1862, which offered 160 acres of free land to American citizens *and* foreigners (assuming upon acceptance that they filed a declaration for U.S. citizenry) who worked it for five years.³³⁴ Although “the stated purpose of the legislation was not to encourage European immigration...Secretary of Treasury Salmon Chase and Secretary of State William Seward saw it as a means of doing just that,” as reflected in the fact that they had U.S. consular officials spread pamphlets advertising the benefits of the legislation throughout Europe.³³⁵ Confederacy leaders similarly sought European immigrants to assist with their war effort, including having their emissaries in Poland recruit foreigners by promising them work, even though travel to their states was difficult because of the Union naval blockade.³³⁶

³³³ As one indication of the increased need for manpower in the north, the Union army grew from 186,751 soldiers in 1861 to 918,121 soldiers in 1863. Zolberg, *A Nation by Design*, 169.

³³⁴ Paul W. Gates (with Robert W. Swenson), *History of Public Land Law Development* (Washington, D.C.: U.S. Government Printing Office, 1968), 390-399. Leaders also passed legislation that sought to recruit foreigners to serve in the Union Army through granting that “any alien...who has enlisted, or may enlist in the armies of the United States, either the regulars or volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of to become such....” Act of July 17, 1862 (40 Stat. S46), quoted in Michael C. LeMay, *Guarding the Gates: Immigration and National Security* (Westport, CT: Praeger Security International, 2006), 44

³³⁵ See Charlotte Erickson, *American Industry and the European Immigrant, 1860-1885* (Cambridge: Harvard University Press, 1957), 8; Michael LeMay, *From Open Door to Dutch Door: An Analysis of U.S. Immigration Policy Since 1820* (New York: Praeger, 1987), 24, 35; Ella Lonn, *Foreigners in the Union Army and Navy* (Baton Rouge: Louisiana State University Press, 1952), 420; and Tichenor, *Dividing Lines*, quote on 66. It is estimated that the number of European immigrants who came to the U.S. doubled in the season after the enactment of the Homestead Act. Zolberg, *A Nation by Design*, 169.

³³⁶ Merle Curti and Kendall Birr, “The Immigrant and the American Image in Europe, 1860-1914,” *The Mississippi Valley Historical Review* 37 (September 1950): 205n. For other schemes used by Confederacy leaders to procure

Northern leaders also passed legislation to directly recruit foreigners to Union territory, which is the only time that the U.S. federal government has done so on a large scale. Shortly after the passage of the Homestead Act, President Lincoln encouraged legislators to devise a “system for the encouragement of immigration” to further induce Europeans to immigrate to the Union states because they constituted a “source of national wealth and strength” that the country required as the war intensified.³³⁷ Congress obliged and passed legislation in 1864 including the Act to Encourage Immigration that created a full-time Commissioner of Immigration and a Bureau of Immigration to oversee distributing information throughout Europe to attract foreigners.

The legislation also provided a \$20,000 per annum allotment for recruitment literature and authorized contracts that permitted European immigrants to formally bind their labor for one year in exchange for free transportation to the country, which in turn spawned private immigrant recruitment agencies such as the Foreign Emigrant Aid Society that further facilitated European immigration to the states.³³⁸ Lincoln declared soon after its enactment that, “I regard our immigrants as one of the principal replenishing streams which are appointed by Providence to repair the ravages of internal war and its wastes of national strength and health.”³³⁹ A Senator similarly reflected that the law was devised to “encourage

foreign manpower, Ella Lonn, *Foreigners in the Confederacy* (Chapel Hill, NC: The University of North Carolina Press, 1940), 220-228.

³³⁷ Abraham Lincoln, Message to Congress on December 8, 1863, quoted in E.P. Hutchinson, *Legislative History of American Immigration Policy, 1798-1965* (Philadelphia, PA: University of Pennsylvania Press, 1981), 48. The 1864 and 1868 Republican Party Platforms similarly noted, “That foreign immigration, which in the past has added so much to the wealth, development of resources, and increase of power to the nation...should be fostered and encouraged by a liberal and just policy.” Thomas H. McKee, *The National Conventions and Platforms of All Political Parties, 1789 to 1905*, 6th ed. (Baltimore, MD: Friedenwald, 1906), 126, 139.

³³⁸ Tichenor, *Dividing Lines*, 66-67; and Zolberg, *A Nation by Design*, 168-175.

³³⁹ The population of the North increased during the Civil War despite a large number of war casualties, which offers evidence that the pro-immigrant policies of the federal government during this period were successful. Bruce Catton, *The Civil War* (New York: Mariner Books, 1985), 161.

the free immigration that was necessary...to strengthen our armies and enable us to manufacture the vast supplies needed for the support of our troops."³⁴⁰

World War I: Similar to the policies devised by leaders during the Civil War, U.S. officials again used foreign labor to assist with its next major military engagement. Soon after officially entering WWI in April 1917, American leaders conscripted over four million men for service, which left vacancies in several areas of the workforce important for the war effort. This led U.S. Department of Labor and Immigration and Naturalization Service officials to authorize the temporary importation of foreign workers to address labor shortages in industries "which have a direct bearing upon the conduct of the war."³⁴¹ They created a foreign guestworker program, which has been called the "first Bracero program" because of the similarities it shares with the more widely-known WWII temporary worker program of the same name, that entailed importing 29,563 Mexican and 3,259 Bahamian nationals from June, 1917 through December, 1918 to cover labor shortages primarily in the agriculture and railroad but also in the building construction and coal mining sectors.³⁴²

³⁴⁰ Senator John Sherman, February 17, 1885, 48th Congress, 2nd Session, *Congressional Record* (Washington, D.C.: Government Printing Office, 1885), 1784.

³⁴¹ U.S. Department of Labor, Bureau of Immigration, Annual Report of the Commissioner General of Immigration to the Secretary of Labor, fiscal year ending June 30, 1918 (Washington, DC: Government Printing Office, 1918), 16. No large work on the WWI temporary foreign worker program exists, but for short studies of it see Otey M. Scruggs, "The First Mexican Farm Labor Program," *Arizona and the West* 4 (Winter 1960): 319-326; and U.S. Senate Committee on the Judiciary, "Temporary Worker Programs: Background and Issues" (Washington, D.C.: U.S. Government Printing Office, 1980) 6-15. See also Maria Elena Bickerton, "Prospects for a Bilateral Immigration Agreement with Mexico: Lessons from the Bracero Program," *Texas Law Review* 79 (2001): 898; Gilberto Cardenas, "United States Immigration Policy toward Mexico: An Historical Perspective," *Chicano Law Review* 2 (Summer 1975): 6866, 6868; James F. Smith, "A Nation that Welcomes Immigrants? An Historical Examination of United States Immigration Policy," *U.C. Davis Journal of International Law and Policy* 227 (Spring 1995): 243; Tichenor, *Dividing Lines*, 168-170; and Zolberg, *A Nation by Design*, 241.

³⁴² U.S. Department of Labor, Bureau of Immigration, Annual Report of the Commissioner General of Immigration to the Secretary of Labor, Fiscal Year ending June 30, 1919 (Washington, DC: Government Printing Office, 1919), 12-13. The agricultural component of the program was extended at the conclusion of the war through March 2, 1921 and even beyond that in certain circumstances, with an estimated 80,000 Mexican nationals participating in the program over its duration. U.S. Senate Committee on the Judiciary, "Temporary Worker Programs," 6. The first labeling of the program as the "First Bracero Program" that I found is in, Gilberto Cardenas, "United States Immigration Policy toward Mexico," 68. The War Department also imported 13,095 Puerto Rican laborers to the mainland to assist with the war effort, all of whom were returned to the island at the conclusion of WWI. This program did not require an exemption from the 1917 immigration legislation because Puerto Ricans had recently become U.S. citizens under the Jones-Shafroth Act of March 2, 1917. Annual Report of the Commissioner General of Immigration, fiscal year 1919, 13. See also, "To increase common labor supply with Porto Rican," *U.S.*

The WWI guestworker program indicates the potent and abrupt affect that security factors can have on immigration policy because Congress had recently enacted the Immigration Act of 1917, the most restrictionist legislation up to that point in American history in large part to prevent the entrance of the very type of foreigners (those who were illiterate, poor, or coming to the U.S. as contract laborers) who would come to the states under the wartime program; but because U.S. leaders feared that labor shortages could negatively affect the war effort they backtracked on their restrictive stance taken only months prior, with Secretary of Labor William B. Wilson invoking an obscure clause of the 1917 legislation (the ninth proviso of section 3) that waived provisions within the law that otherwise would have excluded the foreign laborers.³⁴³

World War II: Leaders during WWII again turned to a foreign worker program, though on a much larger scale than in the First World War, to ensure that the U.S. economy and military had sufficient labor to fuel war efforts. During the years leading up to the war and especially after Pearl Harbor, leaders concerned over the possibility of “severe wartime labor shortages,” particularly in the farming sector, due to labor studies then estimating that one million rural workers had moved to higher paying war industry jobs, millions of men between the ages of eighteen and thirty-five having been screened for and drafted for service, and the

Employment Service Bulletin, Department of Labor, Washington, D.C., May 21, 1918 (Washington, D.C.: National Archives), available at <http://historymatters.gmu.edu/d/5065> (accessed, February 11, 2010). Congress also received resolutions to explore permitting the temporary importation of Chinese farmers during WWI because of “wartime labor shortages.” Hutchinson, *Legislative History of American Immigration Policy*, 169. The U.S. Secretary of Labor also indicated that he was receiving requests for the importation of Filipino and Hawaiian laborers. U.S. Senate Committee on the Judiciary, “Temporary Worker Programs,” 9.

³⁴³ As explained by the 1918 Annual Report of the Bureau of Immigration, “Hardly had war been declared when representatives commenced to reach the bureau from numerous sources to the effect that, with the calling of men to military service and with the simultaneous going into operation of the new immigration act [the Immigration Act of 1917] containing the illiteracy test, the supply of common labor for the farms of the Southwest would be reduced and cut off, the farmers of that section having been in the habit of relying to a considerable extent upon labor coming seasonally from Mexico. This matter was given careful thought and investigation. The conclusion reached was that...there was considerable basis for the alarm. Accordingly, taking advantage of an exception to section 3 of the immigration act permitting the department to admit temporarily otherwise inadmissible aliens, a plan was devised under which laborers might enter from Canada and Mexico to work in agricultural pursuits. A large number of laborers from Mexico entered under these regulations...and large acreages were planted and record crops harvested throughout the Southwest during the last agricultural season.” U.S. Department of Labor, Bureau of Immigration, *Annual Report, 1918*, 15-16.

unemployment rate having rapidly fallen from its Depression level of 17.2% in 1939 to a war level of 1.9% in 1943.³⁴⁴

For example, memorandums between officials at the Department of Agriculture and the War Manpower Commission and reports by State Agricultural Planning Committees began to recognize a “labor situation unparalleled since the last war” and recommended steps to be taken to remedy the situation.³⁴⁵ Similarly, Governor Culbert Olson of California sent a telegram to the secretaries of agriculture, state, and labor explaining that, “Without a substantial number of Mexicans the situation is certain to be disastrous to the entire victory program, despite our united efforts in the mobilization of youth and city dwellers for emergency farm work.”³⁴⁶ As these comments indicate, WWII was straining all sectors of the U.S. economy and leaders feared that “any weak link” in the domestic war effort could have severely damaged overseas military campaigns.³⁴⁷

Due to these concerns, leaders implemented emergency guest worker programs that entailed importing over 400,000 foreigners from neighboring countries to cover labor shortages mostly on farms and railroads but also in industrial sectors over the course of the war.³⁴⁸ The main program was coordinated primarily by the U.S. Department of Agriculture

³⁴⁴ The following are the unemployment rates in the U.S. during WWII: 1939: 17.2%; 1940: 14.6%; 1941: 9.9%; 1942: 4.7%; 1943: 1.9%; 1944: 1.2%; 1945: 1.9%. Bickerton, “Prospects for a Bilateral Immigration Agreement,” 901-902. Many in the U.S. feared that “the 1942 crop would go unharvested without the addition of foreign labor.” Richard Craig, *The Bracero Program: Interest Groups and Foreign Policy* (Austin, TX: University of Texas Press, 1971), 39.

³⁴⁵ The quote is from a memorandum, “Agriculture’s Plans to Aid in Defense and Meet the Impacts of War, A Summary of Reports of State Agricultural Planning Committees” submitted by state agriculture committees to the Agricultural Program Board, on July 15, 1941, cited in Wayne D. Rasmussen, *A History of the Emergency Farm Labor Supply Program, 1943-47* (Washington, D.C.: Bureau of Agricultural Economics, 1951), 15. See also the discussion in *Ibid.*, 13-15.

³⁴⁶ Governor Olson is quoted in “Mexican Workers Sought by Olson,” *New York Times*, June 16, 1942. Similarly, Secretary of Agriculture Claude R. Wickard noted that, “It hardly seems possible, but the United States, to reach its goal of increased food production [for the war effort], is running out of both farm land and farm labor.” Quoted in “Shortages on Farms Worry to Wickard,” *New York Times*, March 26, 1942. See also Craig, *Bracero Program*, 39.

³⁴⁷ *Ibid.*, 39.

³⁴⁸ For overviews of the WWII foreign labor programs, Julia Henderson, “Foreign Labour in the United States during the War,” *International Labour Review* 52 (December 1945): 609-631; and Wilbert E. Moore, “America’s Migration

with a congressional appropriation of over \$118 million and entailed bringing 309,538 foreign workers to the U.S. from September, 1942 through December, 1947 from nearby countries, with approximately 70 percent of these laborers coming from Mexico and the remaining arriving from the Bahamas, Barbados, Canada, Jamaica, Mexico, and Newfoundland (the Mexican component of the program is more popularly known as part of the “Bracero Program”).³⁴⁹ The U.S. also imported approximately 100,000 Mexican laborers from 1943-1945 to work on railways (the “railroad Bracero program”) and 6,830 Jamaicans, 7,056 Barbadians, and 1,243 British Hondurans under industrial contracts for factory work primarily in the chemical, food, foundry, lumber, ordnance, steel, and textile sectors.³⁵⁰

Many U.S. leaders viewed these temporary foreign workers programs as an important component of the domestic war effort, as recognized in a secret policy statement prepared by the Department of State. It explained that during WWII, “Many essential war materials were obtained in Mexico, and she permitted recruitment of several hundred thousand

Treaties during World War II,” *Annals of the American Academy of Political and Social Science* 262 (March 1949): 31-38.

³⁴⁹ On the WWII foreign farm worker program, Rasmussen, *History of the Emergency Farm Labor Supply Program* (see 80-81, 199 for the referenced statistics). Under the emergency farm labor program, 15,241 workers were imported from the Bahamas, 3,995 workers were imported from Barbados, 18,423 workers were imported from Canada, 50,598 workers were imported from Jamaica, 219,546 workers were imported from Mexico, and 1,735 workers were imported from Newfoundland. *Ibid.*, 199. The widely studied “Bracero Program” is generally treated by scholars as consisting of the various arrangements under which temporary Mexican laborers came to the U.S. to work in the agricultural sector from 1942-1964, including the WWII importation of Mexican agricultural labor discussed above. The part of the “Bracero Program” occurring during WWII is also sometimes referred to as the “Mexican Farm Labor Program.” Compared to other temporary foreign labor programs in U.S. history, the “Bracero Program” has been the subject of a large body of research. For a list of these numerous studies see the one provided by the “Bracero History Archive” at <http://braceroarchive.org/history> (accessed February 15, 2010). The temporary importation of laborers from the Bahamas, Barbados, Honduras, and Jamaica to work in the agricultural and industrial sectors during WWII constitutes part of what is often referred to as the British West Indies (BWI) Labor Program—a guestworker program that began during the war and continued in different forms after serving its initial purpose. See the study prepared for the Subcommittee on Immigration of the U.S. Senate Committee on the Judiciary, “The West Indies (BWI) Temporary Alien Labor Program: 1943-1977,” (Washington, D.C.: U.S. Government Printing Office, 1978).

³⁵⁰ Barbara A. Driscoll, *The Tracks North: The Railroad Bracero Program of World War II* (Austin, TX: CMAS Books, Center for Mexican American Studies, University of Texas at Austin, 1999); Moore, “America’s Migration Treaties during World War II,” 36-37. In addition, 5,465 Jamaicans were transferred from the agricultural to the industrial program. *Ibid.*, 36. Moreover, under international contracts during the war, 250 laborers from Newfoundland were brought to the U.S. to work in copper and mica mines, 425 Chinese cooks were brought to the U.S. from Mexico, and several thousand Canadian woodsmen were brought to the U.S. to work in the timber industry. *Ibid.* 37.

Mexicans for agricultural and railroad maintenance-of-way work in this country, thereby making an equal number of Americans available for military service."³⁵¹ Consequently, the WWII guestworker programs indicate that U.S. leaders will go to great lengths to secure foreign labor when the country is involved in major war.

Korean War: President Truman, faced with a similar labor situation as the one during WWII, characterized by falling unemployment rates and reports indicating manpower shortages on American farms, signed into law legislation during the Korean War (Public Law 78 on July 13, 1951) that again set up a government-sponsored foreign worker program that facilitated the importation of Mexican agricultural workers.³⁵² A secret policy statement drafted by the State Department regarding Mexico during this period indicates the purpose of the program, noting that, "Objectives in our relations with Mexico are to enlist her support in efforts to promote Inter-American and world-wide peace" and "ensure maximum cooperation in case of total war." The report explained that Mexican labor had been important for the U.S. during WWII and thus, "Mexico's manpower and other resources will be essential to us in the event of another major war."³⁵³

Since the Korean War, leaders have not devised foreign guestworker programs specifically to assist with wars, most likely because the country has not fought a total war since WWII, immigration legislation in place since 1952 allows for the temporary importation of foreign workers, technological advances have significantly decreased the need for laborers in some industries, and unauthorized immigration to the U.S. has increased in the postwar

³⁵¹ "Policy Statement Prepared in the Department of State," October 1, 1951, in U.S. Department of State, *Foreign Relations of the United States* (Washington, D.C.: U.S. Government Printing Office, 1951), 2:1489.

³⁵² Bickerton, "Prospects for a Bilateral Immigration Agreement," 906-908; Craig, *Bracero Program*, 70-71, 83; and U.S. Senate Committee on the Judiciary, "Temporary Worker Programs," 32.

³⁵³ "Policy Statement Prepared in the Department of State," October 1, 1952, in USDS, *Foreign Relations*, 2:1489-1490.

period which provides employers with labor.³⁵⁴ Nevertheless, similar to how it did during the Civil War, WWI, WWII, and the Korean War, the U.S. is likely to turn again to a foreign worker program in the event of labor shortages during a future war, especially one of a large magnitude because states tend to go to great lengths to mobilize resources when survival is at stake.

MATERIAL AND MILITARY OBJECTIVE #2: IMPORT SKILLED LABOR

Similar to how U.S. leaders have sought foreign manpower for military and material reasons, they have also devised policies to attract skilled foreign labor because doing so is a cost-effective method to boost the productivity and technological capacity of the American economy and military. High-skilled immigrants provide the country with numerous benefits, including “increased research and development and economic activity, knowledge flows and collaboration” and allow the U.S. to gain “scarce and unique sets of skills that are needed to overcome bottlenecks in production or research” without the expense of training domestic workers to acquire the skills.³⁵⁵

American officials have used three broad policy methods through the nation’s history to secure high-skilled immigrants, which are exempting skilled immigrants from restrictions within immigration legislation, allocating a percentage of visas made available under immigration legislation for skilled foreigners, and offering special inducements or “one-time” assistance to attract skilled immigrants to the country. After describing these policy methods, this section of the chapter concludes with a discussion of “virtual immigration,” a

³⁵⁴ See, for example, the discussion in U.S. Senate Committee on the Judiciary, “Temporary Worker Programs.” The Immigration and Nationality Act of 1952 created the H-2 Worker Program, which allows for the temporary importation of foreign labor. Guestworker programs have also received criticism for their unfair treatment of foreign nationals. *Ibid.*

³⁵⁵ Mark C. Regets, “Research and Policy Issues in High-Skilled International Migration: A Perspective with Data from the United States,” National Science Foundation, Discussion Paper No. 366, September 2001.

modern and increasingly used policy method employed by the U.S. to utilize skilled foreign labor without the expense of assimilating them in society.

Exemptions from Restrictions in Immigration Legislation for Skilled Foreigners

Many stipulations within U.S. immigration laws that deny entrance to certain classes of immigrants make exceptions for foreigners possessing skills regarded as important for the national interest. This policy method for procuring high-skilled immigrants was primarily used during the late nineteenth century and early twentieth century as the U.S. transitioned from an "open-door" federal immigration policy that allowed for virtually unlimited immigration to the country to a more restrictive national policy under the quota system. American officials, as they increasingly passed legislation during the period that prevented entrance of certain types of immigrants, included exemptions within the restrictions that they were imposing for those foreigners with skills needed for material and military growth. This section discusses the use of this policy method in the Alien Contract Labor Law of 1885, which was the first law regarding immigration that made exceptions within its restrictions for foreigners with special skills and laid the legislative infrastructure for its use in future laws.

Alien Contract Labor Law Proviso of 1885: One of the first restrictive federal immigration policies, the Alien Contract Labor Law of 1885, which disallowed Americans from forming labor contracts with foreigners prior to emigrating to the U.S., made exceptions from its restrictions for aliens possessing skills viewed as desirable for the national interest. The legislation was created because American corporations and partnerships were importing foreigners to break strikes, which created labor unrest and drove down the price of domestic wages. American companies lured immigrants and bound them to service by forming

contracts with them prior to their embarkment that paid for their travel costs to the U.S. in exchange for labor.³⁵⁶

The law, however, made an exception from its restrictions and allowed American companies to continue forming contracts with immigrants with special abilities. It specified that its contract restrictions should not “be so construed as to prevent any person, or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States,” assuming “that skilled labor for that purpose cannot be otherwise obtained.” The legislation also noted that its provisions did not “apply to professional actors, artists, lecturers, or singers, nor to persons employed strictly as personal or domestic servants.”³⁵⁷ These exemptions were expanded upon in legislation passed in 1891 that revised the contract labor law to include “ministers of any religious denomination, persons belonging to any recognized profession, and professors for colleges and seminaries.”³⁵⁸ Similar provisos were also included in the Immigration Acts of 1903, 1907, and 1910 regarding contract labor.³⁵⁹

The congressional debate on the contract labor law reveals that geopolitical concerns played a role in its proviso exempting skilled labors from its restrictions. The lengthy deliberation on the Contract Labor Act consisted primarily of congressmen offering emotional support for it to protect the average American worker, likely out of sincere as well as electoral concern, but when a Senator suggested removing the skilled labor provision from the

³⁵⁶ Many of these immigrants refused to work once they learned that they were imported to break strikes.

³⁵⁷ 1885 Contract Labor Law, February 26, 1885, 23 Stat. 332, Section 5.

³⁵⁸ Quoted in Hutchinson, *Legislative History*, 494.

³⁵⁹ For discussion on the exemptions for skilled foreign workers from contract restrictions in the 1903, 1907, and 1910 immigration legislation, Hutchinson, *Legislative History*, 494-495. For example, the Immigration Act of 1903 specified, “That skilled labor may be imported, if labor of like kind unemployed can not be found in this country: And provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as a personal or domestic servants....” Immigration Act of March 3, 1903, 32 Stat. 1213, Section 2.

bill for fear that it could be interpreted loosely by U.S. corporations to evade the law his suggestion was quickly silenced. Senator Henry W. Blair, who was chairman of the Committee on Education and Labor and a primary architect of the bill, stated that, "The provision which the Senator from Nebraska moves to strike out is one that they [the committee members who devised the legislation] were particularly careful to have included in the bill" and without it "they then very likely would then prefer its defeat" because it "reserves to the country...the opportunity for the establishment of such industries, if there are any, as do not already exist in our country, and leaves open the power to American capital and enterprise and to American labor to secure from foreign countries the necessary skilled workmen to establish a new industry and to instruct the American laborer in the secrets and mysteries of the art."³⁶⁰

The skilled labor proviso was not challenged again during debate, though further deliberation regarding the legislation made clear that contract labor law was designed to ensure U.S. strength in the international system. For example, Senator Platt of Connecticut, who would become known as one of the "Senate Four" for his substantial influence in Congress, explained that the Contract Law was needed to stop corporations from "importing laborers as we import horses and cattle" and to protect native labor, which was essential because in the long-run exploiting domestic workers limited U.S. productivity and its ability to "surpass other nations in strength and prosperity and power." The U.S., Platt continued, did not want to cut off the competitive national advantages that it was accruing from immigration, of which skilled labor was undoubtedly a major contributor.³⁶¹ He thus declared, "I am opposed to what may be called involuntary immigration [contract labor] into this country. I am not opposed to voluntary immigration. I regard voluntary immigration as one of the chief sources of our strength, as a factor which has developed and is further to develop

³⁶⁰ Senator Blair, February 13, 1885, *Congressional Record*, 48th Congress, 2nd Session (Washington, DC: Government Printing Office, 1885), 1622.

³⁶¹ Senator Platt, February 17, 1885, *Congressional Record*, 48th Congress, 2nd Session, 1781.

the grandest civilization that this continent or the world has ever known, and to make our own the most prosperous, the most powerful, and the most beneficent of all the nations of the earth."³⁶²

Allocating Percentages of Immigrant Visas to Skilled Foreign Laborers

U.S. leaders have also sought skilled foreigners through allocating percentages of the visas that it makes available for immigrants to ones with talents viewed as desirable for the national interest. This policy instrument was first set up by the Quota Act of 1924, which created a preference system by which the immigration visas allocated for each country were to be granted to foreigners based in part on labor considerations.³⁶³ It has since been widely used in the postwar era as the U.S. has allowed a larger number of immigrants entry to the country than it did during the interwar period. This section reviews the use of this policy method in a number of important pieces of immigration legislation since WWII—refugee laws, the Immigration and Nationality Act of 1952, and the Immigration and Nationality Act of 1965.

The Displaced Persons Act of 1948 and the Refugee Act of 1953: The next major U.S. immigration legislation after the quota acts of the 1920s, the Displaced Persons Act of 1948, created two employment preference categories within the visas that it set aside for foreigners fleeing ethnic and political persecution in the political fallout following WWII, with one of the categories designated for “eligible displaced persons who have been previously engaged in agricultural pursuits and who will be employed in the United States in agricultural pursuits” and the other category designated for “eligible displaced persons who are household, construction, clothing, and garment workers, and other workers needed in the

³⁶² *Ibid.*, 1782.

³⁶³ The 1924 Quota Act specified that for each national quota as much as one-half of the visas were to be given preference to (1) certain relatives of U.S. citizens and “(2) To a quota immigrant who is skilled in agriculture, and his wife, and his dependent children under the age of 16 years, if accompanying or following to join him,” which was a stipulation designed to attract foreigners possessing skills in an industry that experienced labor shortages during WWI and one within the U.S. economy viewed as requiring additional workers during the period. Immigration Act of May 26, 1924, 43 Stat. 153, Section 6 (a)(b).

locality in the United States in which such persons propose to reside; or eligible displaced persons possessing special educational, scientific, technological or professional qualifications.”³⁶⁴ The Refugee Act of 1953, also created to assist those displaced by WWII, similarly gave priority within the visas that it made available to refugees “whose services or skills are needed in the United States.”³⁶⁵

The fact that U.S. leaders incorporated labor preference categories in legislation ostensibly designed to serve humanitarian purposes, indicates the extent to which they take into account the national interest when devising immigration policy. U.S. leaders publicly touted American kindness in accepting refugees, but they privately discussed how they could use the legislation to import skilled immigrants for national gain. For example, the U.S. Commission on the Displaced Persons Legislation, which was responsible for devising and executing the law, was sent confidential memorandum from the State Department recommending that it admit refugees who would serve the national interest. For example, John J. McCloy, then U.S. High Commissioner for Germany, advised that the U.S. should not take in “iron curtain refugees” unless they had “either special information or special talents.” “Frankly,” he explained, “few of the defectors have been of much use to us.” He did, however, “strongly” and “persistently” encourage the U.S. to admit German expellees because many of them were craftsmen and skilled laborers who constituted “valuable manpower.” “Take as many into the U.S. as you can get Congress to approve,” he recommended.³⁶⁶

The official report on the Displaced Persons Act, which was issued by the Commission after the law was carried out, indicates that the State Department's private suggestions were factored into the legislation. The report concludes that “the displaced persons program was a

³⁶⁴ Displaced Persons Act, June 25, 1948, 62 Stat. 1009, Section 6(a)(b). An amending act on June 16, 1950 (64 Stat. 219) contained similar provisos. Hutchinson *Legislative History*, 497.

³⁶⁵ Refugee Relief Act of August 7, 1953, 67 Stat. 400, Section 12.

³⁶⁶ “Memorandum by Commissioner Harry N. Rosenfield to the Chairman of the Displaced Persons Commission,” December/January 1951, in U.S. Department of State, *Foreign Relations of the United States, 1952-1954. General: Economic and Political Matters* (Washington, D.C.: U.S. Government Printing Office, 1983), 1:1561-1562.

success" because "it strengthened us domestically by helping to meet critical labor shortages in important defense manpower areas." The Commission also stated that, "And as so frequently happens, an effort founded on purely humane grounds," conveniently omitting that the legislation discriminately sought craftsmen amongst the refugee population, "resulted in gains for the United States that will continue for decades. American agricultural, industrial and cultural life was enriched by tens of thousands of trained workers.... [and] there also were men [the displaced persons who came to the U.S.] ready to bear arms in the defense of the United States. Their numbers were sufficient to man half a division, and their younger brothers and their sons made a reserve source of at least another full division." The report concluded by calling for the U.S. to admit "300,000 additional" refugees who were "carefully selected with a view to their qualifications and skills" because "trained factory workers, engineers, [and] scientific technicians" were required "in this period of heightened defense production," referring to U.S. manpower requirements for the Korean War and Cold War.³⁶⁷

The Immigration and Nationality Act of 1952: The next major piece of immigration legislation after the Displaced Persons Act also allocated a percentage of the visas that it made available to immigrants to ones with special skills. The 1952 Immigration and Nationality Act, more commonly referred to as the McCarran-Walter Act, largely left the restrictionist quota system that had been set up in the 1920s in tact, but it instituted major changes in regard to how the visas it made available within the quotas assigned to each

³⁶⁷ United States Displaced Person Commission, *Memo to America: The DP Story; The Final Report of the United States Displaced Persons Commission* (Washington, DC: U.S. Government Printing Office, 1952), vi, 331, 353. President Truman also called for the U.S. to admit additional refugees. He wanted to enlist displaced people and refugees directly in the U.S. military in Europe to protect against "Soviet terror," but failing that he explained that, "the United States can and should take some of the migrants now available in Europe. One of the reasons we lead the free world today is that we are a nation of immigrants. We have been made strong and vigorous by the diverse skills and abilities of the different peoples who have migrated to this country and become American citizens. Past immigration has helped to build our tremendous industrial power. Today, our growing economy can make effective use of additional manpower in various areas and lines of work. The rapid expansion of our industry and the enlargement of our defense forces, have increased the demands on our available manpower reserves. Our industry can readily absorb a limited number of skilled and trained personnel in the years immediately ahead. In our agriculture particularly, we have a need for additional people. Farm operators and farm workers are essential in our defense effort. Truman, March 24, 1952, "Special Message to the Congress on Aid to Displaced Persons and Refugees," available at, <http://www.trumanlibrary.org/publicpapers/index.php?pid=947&st=&st1=>, accessed March 8, 2011.

country were distributed amongst immigrants. The visas made available to each nation were broken into four categories and placed in order of priority, with the largest and highest priority category allocated for immigrants possessing skills viewed as important for the national interest: “(1) The first 50 per centum of the quota of each quota area for such year,” the legislation stipulated, “...shall be made available for the issuance of immigrant visas (A) to qualified quota immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States, and (B) to qualified quota immigrants who are the spouse or children of any immigrant described in clause (A) if accompanying him.”³⁶⁸

Representative Francis E. Walter, chairman of the Immigration and Naturalization Subcommittee of the House and coauthor of the McCarran-Walter Act, explained the rationale behind the provision by stating that under the current immigration system, “We are still operating under the formula of ‘first come, first served.’ This formula serves the intending immigrants all right, but it does not serve the needs of our hospitals, our universities, and our industrial and defense establishments.” Similarly, Representative Emanuel Celler, Chairman of the House Committee on the Judiciary and a major player in immigration policy during his forty year congressional tenure, stated that while he had many objections to the McCarran-Walter Act, he did agree that a new immigration law was required that would “provide for as much selectivity as possible” because the “quota system, operating under the formula of ‘first come, first served,’ deprives our defense and industrial establishments” of “many highly

³⁶⁸ Immigration and Nationality Act of June 27, 1952, 182 Stat. 66, Section 203(a).

desirable skilled specialists."³⁶⁹ This sentiment is also consistent with congressional debate on the legislation, exemplified by Louis Heller, a New York Representative, arguing that immigration was needed to "add to our supply of manpower so urgently needed here in order to assure continued and expanded productivity on our farms and in our factories which is so vital to our national security."³⁷⁰

The Immigration and Nationality Act of 1965: Similarly, the Immigration and Nationality Act of 1965, which abolished the quota system that had been in place for over four decades and created the framework upon which our immigration system still rests today, instituted a preference structure within the numbers of visas that it issued for eastern hemisphere countries, with ten percent of the total quota for each country designated for "qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States" and another ten percent of the total quota for each nation designated for "qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States."³⁷¹

Secretary of State Dean Rusk indicated the purpose of the provision during congressional proceedings. "Since the end of World War II," he explained, "the United States has been placed in the role of critical leadership in a troubled and constantly changing world. We are concerned to see that our immigration laws reflect our real character and objectives."

³⁶⁹ Walter and Celler, March 6, 1951, "Revision of Immigration, Naturalization, and Nationality Laws," *Joint Hearings before the Subcommittees on the Judiciary Congress of the United States*, 82 Congress, 1st Session (Washington, DC: Government Printing Office, 1951), 4, 7.

³⁷⁰ Rep. Heller, April 23, 1952, 82nd Congress, 2nd Session, *Congressional Record* (Washington, DC: Government Printing Office, 1952), 4311. See also Rep. Rodino, April 23, 1952, *Congressional Record*, 82nd Congress, 2nd Session, 4310-4311; and Rep. Celler, April 23, 1952, 82nd Congress, 2nd Session, *Congressional Record*, 4314.

³⁷¹ The immigrant preference system instituted in the 1965 Immigration and Nationality Act was extended to western hemisphere countries in a 1976 amending act. See Austin T. Fragomen, Jr., "1976 Amendments to Immigration & Nationality Act," *International Migration Review* 11 (Spring 1977): 95-100.

He continued, "The significance of immigration for the United States now depends less on the number than on the quality of immigrants. The explanation for the high professional and technical quality of present immigration lies in part in the nonquota and preference provisions of our immigration laws that favor the admission of highly qualified migrants," referring to provisions stipulated in the 1952 McCarran-Walter Act. He then noted that the "postwar economic and social dislocations, discriminations, and insecurities in various parts of the world...have disturbed social and occupational strata not normally disposed to emigrate" and thus the U.S. was in position to attract valuable manpower. "Under present circumstances the United States has a rare opportunity to draw migrants of high intelligence and ability from abroad; and immigration, if well administered, can be one of our greatest national resources, a source of manpower and brainpower in a divided world." "Looking ahead for the next 20 years, this country is going to need to have access to the highest talents in all sorts of fields. We are moving into a scientific and technological sophisticated period of our national history and there is going to be plenty of room at the top." "We are in an international market of brains."³⁷²

Leaders such as Rusk, similar to how they had done with the refugee and 1952 immigration laws, allocated within the 1965 Immigration and Nationality Act, which still serves as the foundation of our immigration system today, portions of the quotas made available under immigration legislation for foreigners with skills to keep the U.S. materially and militarily competitive in the international system.

Importation of Temporary Foreign Workers with Skills Important for the National Interest

U.S. leaders have also passed legislation that allow for the temporary importation of foreign workers with skills viewed as important for the national interest. They have done this through passing legislation that sets up temporary foreign worker programs such as the

³⁷² Dean Rusk, July 2, 1964, *Hearings before Subcommittee No. 1 of the Committee on the Judiciary*, 88th Congress, 2nd Session (Washington, DC: U.S. Government Printing Office, 1964), 386, 401.

previously discussed Bracero Program and through creating stipulations and visa classes within general immigration legislation that allow for foreigners to temporarily stay in America for work. Foreign worker programs are discussed in the “Manpower during War” part of this chapter so this section focuses on visa categories within general immigration legislation that allow for the temporary importation of foreign laborers.³⁷³ Visas permitting temporary stay for foreign workers (the H visa system) were first set up on a large scale with the Immigration and Nationality Act of 1952 so this section focuses on their creation in this law, but it also discusses their continuation and expansion in subsequent legislation.

The Immigration and Nationality Act of 1952—The H-Visa System: The 1952

Immigration and Nationality Act for the first time in U.S. history created a rigorous system for the importation of guest laborers by setting up a new “non-immigrant” visa category—the H-1 visa—that is still used today.³⁷⁴ This visa class is for a temporary worker who is “an alien having a residence in a foreign country which he has no intention of abandoning” and “who is of distinguished merit and ability and who is coming temporarily to the United States to perform temporary services of an exceptional nature requiring such merit and ability.”³⁷⁵

The Committee that devised the 1952 immigration legislation said that they created the H system for the “national interest” and by this it had in mind procuring wartime labor,

³⁷³ Temporary foreign worker programs are discussed in the “Manpower during War” section of this chapter because nearly all of them were initially set up for wartime purposes.

³⁷⁴ On the history and technicalities of H Visas see Robert L. Bach, “New Dilemmas of Policy-Making in Transnational Labor Markets,” in *The International Migration of the Highly-Skilled*, eds., Cornelius, Espenshade, and Salehyan, 113-130; B. Lindsay Lowell, “The Foreign Temporary Workforce and Shortages in Information Technology,” in *Ibid.*, 131-162; Margaret L. Usdansky and Espenshade, “The Evolution of U.S. Policy toward Employment-Based Immigrants and Temporary Workers: The H-1B Debate in Historical Perspective,” in *Ibid.*, 23-54; and U.S. Senate Committee on the Judiciary, “Temporary Worker Programs,” 58-83.

³⁷⁵ The law is quoted in Usdansky and Espenshade, “Evolution of U.S Policy,” in *International Migration of the Highly Skilled*, eds., Cornelius, Espenshade, and Salehyan, 77. The typical occupations of H-1 workers indicate that most of them possess advanced degrees, exceptional ability, or specialized training. For example, H-1 visa holders in 1989 largely worked in the computer, engineering, entertainment, health care, medical, modeling, movie, nursing, programming, science, and television fields. Similarly, though concentrated in industries booming during the era, workers holding this type of visa in 1999 were employed primarily in the systems analysis and programming industries, though also in the accountant, architecture, computer-related, electrical and electronic engineering, and higher education fields. Lowell, “The Foreign Temporary Workforce and Shortages in Information Technology,” in *International Migration of the Highly-Skilled*, eds., Cornelius, Espenshade, and Salehyan, 137-139.

noting worker shortages during WWII. For example, it recalled that, "When the United States entered World War II, the movement of agricultural laborers into the armed forces and into war industries seriously depleted the farm labor supply. The stream of migratory agricultural laborers which followed the harvest seasons around the United States shrank to an alarming degree. By 1942, it was apparent that farmers would require considerable numbers of outside laborers to plant and harvest their crops. By virtue of an Executive order issued in 1942, the Department of Agriculture arranged the transportation of domestic agricultural labor from areas containing a relatively plentiful supply to areas of need. This operation was not adequate to relieve completely the labor shortage."³⁷⁶ The Committee, which was meeting as the country was facing labor shortages during the Korean War, thus set up the H-system to ensure that the U.S. could procure labor during war.

The congressional debate on the McCarran-Walter Act also supports this conclusion. For example, Representative Peter Rodino, who served in Congress for forty years including as the Chairman of the House Judiciary Committee, explained that, "The record shows the role which immigrants have played in pushing our frontier west and in building the industrial machine which is the greatest the world has ever seen. We know that immigration is good for the country in terms of national wealth, national culture, national productivity, and national defense. We know that the new skills brought by immigrants can create new industries; that new blood and new cultures enrich the creativity of our land." He continued, "Without the immigration of our past, it is safe to say that our country could never have risen to the position of leadership which it commands today. Population experts have pointed to America's declining birth rate and have predicted that our population would become static by 1970.

³⁷⁶ Committee on the Judiciary, "The Immigration and Naturalization Systems of the United States," 80th Congress, 1st Session (Washington, DC: Government Printing Office, 1950), 574, 588.

When this prospect is contrasted with the predictions of rapid increase for the populations of countries like Russia, the danger to our world position becomes apparent."³⁷⁷

Amendments to the H-1 Visa System since 1952: Since its creation, U.S. leaders have at times amended the H-1 system to attract immigrants providing services in short supply or to prevent abuse of the visa category by foreigners lacking "distinguished merit and ability." For example, facing a nursing shortage, U.S. leaders created under the Immigration Nursing Relief Act of 1989 a new classification for foreigners who worked in this profession (H-1A visas) to facilitate their entry into the country.³⁷⁸ Less than a year later, Congress amended the H-1 classification system with the Immigration Act of 1990 to prevent foreigners from abusing the system by cleverly marketing pedestrian skills as consisting "of an exceptional nature."³⁷⁹ Leaders once more adjusted the H-1 system at the turn of the century to provide labor for the expanding high-tech industry, with the American Competitiveness and Workforce Improvement Act of 1998 expanding the number of H-1 visas available from 65,000 visas which were then permitted per year to 115,000 visas per annum in 1999 and 2000.³⁸⁰

³⁷⁷ Rep. Rodino, April 23, 1952, *Congressional Record*, 82nd Congress, 2nd Session, 4310-4311. Representative Emanuel Celler, similarly noted that "Have we not over the years, especially in the early ones, with our immigration policy endeavored to induce people to come into this country? When we were a vast unused continent decades ago, we needed people....We needed manpower and offered all manner of inducements of labor to come in. Now while our physical frontiers may have closed, our spiritual and economic and cultural frontiers are unlimited in this country, and we should not be satisfied merely with the brain and brawn of people presently here. We need new seed, the kind of seed which helped to make us what we are. The statistics tell us that unless we get new seed in this country...by the year 1970 or soon after, our population will be static. In other words, deaths will be equivalent to births....When we consider the situation in Russia, we find that Russia is advancing her population tremendously and will continue to do so....From a defense angle alone we have to consider increasing population needs of this country, because when that year is reached that will be a perilous year for us; namely, our population will be static and the Russian population advanced to a very, very marked degree. For offensive as well as defensive purposes we must watch that situation very carefully. This country has been built up by virtue of the brain and brawn that we siphoned off from various nations....Therefore, I want to induce others to come into this good of ours." Representative Celler, April 23, 1952, 82nd Congress, 2nd Session, *Congressional Record*, 4314.

³⁷⁸ "1989 Immigration Nursing Relief Act," *Journal of Nursing Administration* 23 (January 1993): 5-6.

³⁷⁹ Briggs, *Mass Immigration*, 266-270; Lowell, "The Foreign Temporary Workforce and Shortages in Information Technology," in *The International Migration of the Highly Skilled*, eds., Cornelius, Espenshade, and Salehyan, 134-135.

³⁸⁰ The American Competitiveness in the Twenty-First Century Act subsequently raised the annual H-1 visa cap to 195,000 visas per year from 2001 through 2003. As the economy began to stumble during the early 2000s, Congress allowed the H-1 cap to revert back to 65,000 in 2004. See Briggs, *Mass Immigration*, 266-270; Lowell, "Foreign

The U.S. Commission on Immigration Reform of 1995, formed to review the Immigration Act of 1990, indicated why American leaders have sought high-skilled labor in recent decades. Though pleased with the "basic framework of current immigration policy," the Commission recommended that the "immigration system must undergo major reform to ensure that admissions continue to serve our national interests." It noted that skilled immigrants "enhance our ability to compete in a global economy and provide leadership in international and humanitarian affairs," help develop "a U.S. workforce that has the skills necessary to compete in the global economy," and "often play important and visible roles at the highest levels of the U.S. military and federal and local government."³⁸¹

The reasons stated by leaders regarding the amendments to the H-system in recent decades, as well as their rationale for creating the visa class in the 1952 legislation, thus indicate that American officials created a temporary visa category to assist the country with remaining economically and militarily competitive in the international system.

Special Inducements and Legislation to Attract Skilled Immigrants

U.S. leaders have also devised special inducements and "one-time" legislation to attract foreigners with skills viewed as desirable for the national interest. American officials, as discussed in this section, frequently created incentives for skilled immigrants to come to the country from the colonial period through WWI, primarily because the U.S. rapidly expanded during this period and required large numbers of people to settle and secure territory. On the other hand, U.S. leaders have rarely passed one-time legislation to import skilled labor, most likely because other policy methods exist to procure temporary labor; this

Temporary Workforce and Shortages," in *International Migration of the Highly Skilled*, eds., Cornelius, Espenshade, and Salehyan, 135-136, and the discussion at, <http://redbus2us.com/h1b-visa-max-cap-statistics-from-1990-to-2011-with-reasons-changes-visa-trend-plot-until-2011/>.

³⁸¹ U.S. Commission on Immigration Reform, *Legal Immigration: Setting Priorities* (Washington, D.C.: GPO, 1995), preface, i, xx, 23-25.

section will review one of the few occasions in which they have done so—the 1950s "sheepherder" laws.

Special Inducements--Colonial Period through the early Twentieth Century: Colonial and later U.S. leaders from the eighteenth through the early twentieth centuries created policies to attract immigrants to the colonies and states to provide soldiers and money for the military, workers to fuel the economy and build physical infrastructure, and people to secure and settle western lands coveted by foreign states on the continent such as France, Spain, and American Indian nations.³⁸² Leaders attracted foreigners to the U.S. with incentives such as tax exemptions, free land, naturalization, and other political advantages, as well as tools and other provisions and through sending agents to Europe to recruit immigrants and spread brochures positively depicting American life.³⁸³

Officials devised these incentives to attract large numbers of foreigners to America, as discussed in the next section of this chapter (titled, "Material and Military Objective #3: Increase Population Size"), but their comments regarding immigration during this period indicate that they were particularly desirous of skilled foreign labor to strengthen the nation.³⁸⁴ For example, Alexander Hamilton, while serving as the U.S. Treasury Secretary under George Washington, argued that high-skilled immigration was important for American wealth and security in his "Report on Manufacturers," which is commonly pointed to by early American scholars as one of the most important statements underlying the young nation's economic strategy. Hamilton argued, for example, that the "security of [the] Country appears

³⁸² Robbie Totten, "National Security and U.S. Immigration Policy, 1776-1790," *Journal of Interdisciplinary History* 29 (Summer 2008): 47-48. The next section of this chapter, titled "Policy Objective #3: Increase Population Size" discusses these measures in detail.

³⁸³ See the "Increase Population" policy section of this chapter for further discussion.

³⁸⁴ Early American leaders made it clear in public and private correspondence that they desired skilled immigrants. For example, Thomas Jefferson privately stated that he had "doubts" over the safety of inviting large numbers of foreigners to America, presumably because of the security challenges of assimilating them, but he noted that his reservations over immigration "should [not] be extended to the importation of useful artificers." "The policy of that measure depends on very different considerations. Spare no expence in obtaining them. They will after a while go to the plough and the hoe; but, in the mean time, they will teach us something we do not know." Quoted in Zolberg, *A Nation by Design*, 80.

to be materially connected with the prosperity of manufactures” so he recommended that Congress should “open every possible avenue to emigration from abroad” because foreigners were “an important resource, not only for extending the population...but likewise for the prosecution of manufactures.” He believed so strongly in this maxim that he sent agents to Scotland on his own accord to attract skilled immigrants.³⁸⁵

“One-Time” Policies/Laws--the “Shepherd Laws”: U.S. leaders have also on at least a few occasions passed legislation that provided special aids to occupations or industries in need of workers with specific skills. For example, the “shepherd laws” were passed from 1950 to 1954 to expeditiously admit Basque shepherders from Spain to assist the sheep-raising industry in western states, with acts passed on June 30, 1950, April 9, 1952, and September 3, 1954 that permitted the entrance of 1,135 skilled shepherders to come to the U.S.³⁸⁶ Although the shepherd laws were not designed to directly aid the defense industry,³⁸⁷ they indicate that U.S. leaders are not adverse to using immigration policy to assist with the material growth of the country and illustrate a possible way that American officials could import foreign workers to serve a military purpose.

Virtual Immigration

A new type of “immigration” has emerged over the past decade and a half that U.S. leaders may increasingly use to exploit skilled foreign labor for material and military gain. “Virtual immigration” involves American corporations and organizations using programmers

³⁸⁵ Hamilton, “Report on Manufacturers,” December 5, 1791, emphasis added; and Zolberg, *Nation by Design*, 70.

³⁸⁶ On the shepherding legislation, see Hutchinson, *Legislative History*, 499-500; Kimi Jackson, “Farmworkers, Nonimmigration Policy, Involuntary Servitude, and a Look at the Shepherding Industry,” *Chicago-Kent Law Review* 76 (2000-2001): 1271-1301. For a short discussion on the use of Basque workers in the U.S. sheeherding industry see, William A. Douglass, “Basque Shepherding,” available on the Idaho State Department of Education website, <http://www.sde.idaho.gov/InternationalEducation/docs/Basque/BasqueSheepherding.pdf>. (accessed April 2, 2010). During the 1950s, a similar bill was proposed to relieve the spongefishing industry, though no action was taken on this legislation. Hutchinson, *Legislative History*, 500.

³⁸⁷ The U.S. shepherding industry was experiencing labor shortages by the 1950s in part because WWII had attracted its workers to higher-paying defense industry jobs.

based in foreign countries working online on their computers, “thus obviating the need for either labor or corporations to undergo the tedious process of physical migration.”³⁸⁸

According to a trade report on the Indian software industry, U.S. companies are increasingly turning to this method, with “more than 100 of America’s top 500 firms buy[ing] software services from firms in India, where programmers are typically paid less than a quarter of the American rate.”³⁸⁹ From a security perspective, this approach to using foreign labor has appeal, primarily because it gives the U.S. “unlimited access to the best minds in the world” without the costs and security risks of integrating them into society.³⁹⁰

Virtual immigration thus presents the most recent policy method employed by the U.S. to recruit skilled foreign labor for national gain, and as this section has detailed in regard to other methods that American leaders have used for this objective through time—such as exempting high skilled immigrants from restrictions in legislation, allocating percentages of visas made available to immigrants to those with special skills, and devising special inducements and passing one-time laws for skilled foreigners to come to the U.S.—they will likely turn to it for material and military gain during times of high geopolitical threat and war.

MATERIAL AND MILITARY OBJECTIVE #3: INCREASE POPULATION SIZE

U.S. leaders, similar to how they have sought skilled immigrants for the national interest, have also devised policies to increase population size during a large part of the country's history to provide men for the military, people to settle and secure territory,

³⁸⁸ See the discussion in A. Aneesh, “Rethinking Migration: On-Line Labor Flows from India to the United States,” in *International Migration of the Highly Skilled*, eds., Cornelius, Espenshade, and Salehyan, 351-372, quote on 353; and Marc Rosenblum, “High-Skilled Immigration and the U.S. National Interest,” in *Ibid.*, 390-391.

³⁸⁹ National Association of Software and Services Companies, “The Software Industry in India: A Strategic Review,” 1999, quoted in Aneesh, “Rethinking Migration,” in *International Migration of the Highly Skilled*, eds., Cornelius, Espenshade, and Salehyan, 360.

³⁹⁰ Rosenblum, “High-Skilled Immigration and the U.S. National Interest,” in *International Migration of the Highly Skilled*, eds., Cornelius, Espenshade, and Salehyan, 390-391, quote on 391. On the dangers of virtual immigration from a national interest perspective, *Ibid.*, 391.

workers to build fortifications and infrastructure, and specialists with the expertise to construct and operate technologies required for economic production and weaponry. As this section of the chapter will detail, colonial and later U.S. state and federal government leaders from the seventeenth century through the first two decades of the twentieth century accomplished this objective primarily through a "laissez-faire" immigration policy of leaving the gates of the country open with few restrictions, and to a lesser extent through immigration recruiting campaigns that entailed posting advertisements throughout Europe, sending agents to other nations to convince foreigners to come to the U.S., and offering inducements to immigrants such as free land and easy terms of naturalization. U.S. leaders since WWI have not used recruitment schemes on a large scale or an "open-door" policy because the economic opportunities available in the country are sufficient to attract foreigners, but they may again turn to them if a natural or man-made disaster rapidly depletes population or outer space colonization accelerates.³⁹¹

"Open Door" Immigration Policy

The federal government from the Revolutionary War through the Immigration Act of 1917 left the borders of the country largely unregulated.³⁹² Scholars have long pointed out that individual states tried to regulate immigration, mostly to keep out the poor, the

³⁹¹ Although the U.S. has not instituted an "open-door" policy or devised measures on a large-scale to attract foreign numbers since WWI, American officials have discussed using immigration policy to increase population size for military manpower purposes during periods of high geopolitical threat. For example, the 1953 Commission on Immigration and Naturalization, assembling during the uncertainty of the early Cold War and Korean War, stated that, "If we will let it, immigration in the next few years could provide a valuable supplement to this shrinking manpower at the critical ages of prime military importance," referring to how the U.S. lost many of its soldiers during WWII and that immigrants could be used to compensate for shortages in Cold War defense personnel. United States, President's Commission on Immigration and Naturalization, *Whom We Shall Welcome* (Washington: U.S. Government Printing Office, 1953), 39.

³⁹² The federal government during this period did pass a few laws regulating immigration, such as ones stipulating passenger conditions for foreigners coming to the U.S., but they did little to stem the tide of immigration. On this legislation, see, for example, Zolberg, *Nation by Design*, 99-100, 110-113, 185-193.

criminal, and the sick, but the federal government did almost nothing.³⁹³ This part of U.S. history has been referred to as the "Open Door Era" and over 20 million immigrants came to the country during the period.

The population surge helped boost the material and military strength of the nation. For example, in regard to economic power, Paul Uselding and Larry Neal estimate that by 1912 immigrants contributed to as much as forty-two percent of the country's gross physical capital production in large part because most foreigners arrived as young adults, thus saving America the costs associated with child-rearing.³⁹⁴ Similarly, work by Timothy Hatton and Jeffrey Williamson on the Atlantic economy indicate that U.S. economic gains from migration were higher than those from trade during the nineteenth century.³⁹⁵ And Brinley Thomas's seminal work in the area indicates that, "immigration preceded rather than followed waves of economic growth in the United States before the Civil War."³⁹⁶

³⁹³ On state regulatory policies, Hutchinson, *Legislative History*, 388-404; James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill, 1978), 108-110; Benjamin J. Klebaner, "State and Local Immigration Regulation in the United States before 1882," *International Review of Social History* 3 (1958): 269-295; Gerald L. Neuman, "The Lost Century of American Immigration Law (1776-1875)," *Columbia Law Review* XCIII (1993): 1833-1901; and Zolberg, *A Nation by Design*, 72-76.

³⁹⁴ Larry Neal and Paul Uselding, "Immigration: A Neglected Source of American Economic Growth: 1790 to 1912," *Oxford Economic Papers* 24 (March 1972): 87. See also Robert E. Gallman, "Human Capital in the First 80 Years of the Republic: How Much Did America Owe the Rest of the World?" *The American Economic Review* 67 (February 1977): 27-31; Charles Hirschman and Elizabeth Mogford, "Immigration and the American Industrial Revolution from 1880 to 1920," *Social Science Research* 38 (2009): 897-920; and Uselding, "Conjectural Estimates of Gross Human Inflows to the American Economy: 1790-1860," *Explorations in Economic History* 9 (1971-1972): 49-61. Approximately one out of every three employees in manufacturing and mechanical industries was an immigrant from 1870 to 1920. Higham, *Strangers in the Land*, 14-19.

³⁹⁵ Timothy J. Hatton and Jeffrey G. Williamson, *The Age of Mass Migration: Causes and Economic Impact* (New York, 1998), referenced in Christopher Rudolph, "Globalization and Security: Migration and the Evolving Conceptions of Security in Statecraft and Scholarship," *Security Studies* 13 (2003): 14-15. Commenting on these types of findings, the political economist Ronald Rogowski notes that, "it really looks like the 'bigger bang' was received in that period from migration—by quite a long shot—than from trade in goods." Ronald Rogowski, "Commentary on 'Migration As International Trade,'" *UCLA Journal of International Law & Foreign Affairs* (1998-1999). Rudolph notes that "whereas the dominant economic perspectives on the relationship between migration and trade has long viewed the two as substitutes, more recent analyses of the empirical evidence suggest that migration and trade are, in fact, complements. Scholars of international political economy have long pointed to the importance of trade for the accumulation of material economic power. If migration complements trade, then it must be considered a necessary condition to achieve maximum gains through trade, especially in situations of total specialization or where locational economies of scale exist." Idem, "Globalization and Security," 14-15.

³⁹⁶ Brinley Thomas, *Migration and Economic Growth: A Study of Great Britain and the Atlantic Economy* (London: Cambridge University Press, 1973). The quote describing Thomas's findings is from Zolberg, *Nation by Design*.

Immigrants also contributed to U.S. military power. For example, approximately one-third of the nation's regular army in the early 1840s was composed of foreign-born persons and the percentage of immigrants serving in many state militias in the Northeast and Midwest during this period is estimated to have been even higher. Many of these immigrants fought in the Mexican and Civil Wars.³⁹⁷ For instance, the Confederacy during the Civil War, even though southern states received significantly fewer immigrants than the northern ones during the early nineteenth century, is estimated to have had "tens of thousands of foreign-born in [the] ranks" of its army and fielded numerous companies consisting of the those born outside of the U.S.³⁹⁸

These statistics are not "accidental" and private and public comments by early American leaders indicate that they sought immigrant manpower to boost the material and military strength of the country. The "open-door" policy was set during the early Republic so this section focuses primarily on that period, though it also provides evidence that nineteenth century leaders continued the policy to strengthen the country. America's early leaders, perhaps because they were convinced that a nation's power depended on the size of its population, never directly subjected the "open-door" policy to national debate or officially "recorded" it as a policy: The doors to the United States remained ajar because there was no federal legislation in place to close them. Nonetheless, the nation's architects were not oblivious to what one scholar has called their "non-decisions" about immigration and they discussed the policy area in private correspondence, academic and public debate over immigration, and throughout policy debate on issues related to immigration such as

³⁹⁷ Briggs, Jr., *Mass Immigration and the National Interest*, 52.

³⁹⁸ Lonn, *Foreigners in the Confederacy*, 92-131, 218-220, quote on 220.

naturalization.³⁹⁹ An examination of these sources reveals that material and military considerations underlie the "open-door" policy.

"Open Door" Policy during the Early Republic: The very first decision by American leaders as a country was related to ensuring an immigration stream to increase population size.⁴⁰⁰ For example, as the colonies grew in population and strength, Britain, concerned that "the great increase of people in the said colonies [would have] an immediate tendency to produce independency," began desperately to inhibit emigration there, eventually imposing formal and informal restrictions against English and Scottish travelers after the colonies were declared in rebellion on August 23, 1775.⁴⁰¹ But the colonists, eager for the security advantages of a robust population, were not pleased and the Declaration of Independence, the first document of the new nation, accused King George III of "endeavor[ing] to prevent the population of these states; for that purpose obstructing the Laws of Naturalization of Foreigners; refusing to pass others to encourage their migration hither." ⁴⁰²

Why was the first security decision by the founders, to wage war against a significantly stronger superpower, based in part on immigration? Colonial officials and later early U.S. leaders feared for their survival on a continent in which Native Americans, the British, the French, and the Spanish had been fighting for control for more than a century. The U.S. was surrounded by external powers on its northern, southern, and western borders for the eighteenth and a large part of the nineteenth centuries and leaders had reason to be wary of them all. During the early Republic, for example, British leaders refused to surrender their

³⁹⁹ On "non-decisions," see Tichenor, *Dividing Lines*, 56.

⁴⁰⁰ This section draws from an article that I wrote on immigration during the early Republic, Robbie Totten, "National Security and U.S. Immigration Policy, 1776-1790," *Journal of Interdisciplinary History* 39 (Summer 2008): 37-64.

⁴⁰¹ The comment by the British Parliament is from Proper, *Colonial Immigration Laws*, 75-76. On British emigration restrictions to the states, see Bernard Bailyn, with the assistance of Barbara DeWolfe, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York: Knopf, 1986), 91.

⁴⁰² Declaration of Independence, <http://www.constitution.org/usdeclar.pdf>.

northeastern forts as the Treaty of Paris had mandated; Spanish provocateurs paid American authorities to persuade their countrymen to defect; and both Britain and Spain attempted to undercut American strength by inciting American Indians to attack settlers and by denying the states access to the Mississippi, the West Indies, and the North Atlantic fisheries.⁴⁰³

The evidence indicates that, in an effort to find ways to protect the nation, America's early leaders looked to immigrant manpower as a resource to generate the wealth needed to establish the military in case of war and to occupy and protect the land, especially the frontier. Although immigration policy never received a public hearing during the early American period, possibly because its purpose was so obvious, private correspondence between leaders shows that security was a consideration. For example, Robert Morris, who, as Superintendent of Finance deftly funded the Revolutionary War, explained exactly how foreigners could strengthen the nation: "[E]migrants who will come to us from Europe [will] get us to get back on our feet" by generating money to pay America's increasing debt and helping to "establish immediately a respectable navy; to avoid war we propose to stand ready to wage one well."⁴⁰⁴

George Washington agreed with him and privately wrote to Thomas Jefferson that the country could benefit from Europe's wars by attracting their citizens, stating that, "[If] we wisely & properly improve the advantages which nature has given us, we may be benefitted by their folly." In a tone different from that of his ideological public speeches, which scholars often cite for his position on immigration, he continued, "I conceive under an energetic

⁴⁰³ On the international climate in the late eighteenth century, Daniel George Lang, *Foreign Policy in the Early Republic: The Law of Nations and the Balance of Power* (Baton Rouge, LA: Louisiana State University Press 1985), chap. 3; on British and Spanish attempts to undermine U.S. security, Alfred Leroy Burt, *The United States, Great Britain, and British North America from the Revolution to the Establishment of Peace after the War of 1812* (New York: Russell & Russell, 1961); Frederick W. Marks III, *Independence on Trial: Foreign Affairs and the Making of the Constitution* (Wilmington, DE: Scholarly Resources, 1984), 5-12, 21-36, 19-21, 52-95; Arthur P. Whitaker, *The Spanish-American Frontier, 1783-1795* (New York: Houghton Mifflin Co., 1927); on the American Indian threat, see Marks, *Independence on Trial*, 3-52.

⁴⁰⁴ Robert Morris, April 10, 1783, in E. James Ferguson, ed., *The Papers of Robert Morris, 1781-1784* (Pittsburgh, PA: University of Pittsburgh Press, 1988), VII, 691-696. On Morris, see Clarence L. Ver Steeg, *Robert Morris, Revolutionary Financier: With an Analysis of His Earlier Career* (Philadelphia, 1954).

general Government [the government proposed under the Constitution] such regulations might be made, and such measures taken, as would render this Country the asylum of...industrious characters from all parts of Europe--would encourage the cultivation of the Earth by the high price which its products would command--and would draw the wealth, and wealthy men of other Nations, into our own bosom, by giving security...to its holders.”⁴⁰⁵

Why was Washington so excited to attract wealthy immigrants at Europe’s expense? As a successful military leader, he was aware of his country’s vulnerability to foreign attack. In a private letter written to the Marquis de Lafayette, his trusted friend, only a few days later, he explained, “To guard against ...foreign interposition...is now the important subject that engrosses the attention of all our part of America.” Washington also wanted Europeans to emigrate to the West to subdue the Native American tribes and secure the frontier. He recommended to James Duane, a former Indian commissioner, that the West should “admit such emigrations...not only from the several States of the Union but from Foreign Countries.... Measures of this sort would not only obtain Peace from the Indians, but would, in my opinion, be the means of preserving it.” In line with his expressed awareness of the connection between national security and immigration, Washington’s first address to Congress as President in 1790 enthusiastically urged the legislature to devise a “liberal” naturalization law to attract immigrants.⁴⁰⁶

⁴⁰⁵ Washington to Jefferson, January 1, 1788, <http://gwpapers.virginia.edu/documents/constitution/1788/jefferson1.html>. To represent Washington as a leader who presented America as a great democracy that opened its doors to immigrants, scholars often cite the first President’s ideological speech to newly arrived Irish immigrants in 1783. But many of his private correspondences, which have a different tone, are probably more indicative of his true thoughts and intentions. Washington, “Letter to the members of the Volunteer Association and other Inhabitants of the Kingdom of Ireland who have lately arrived in the City of New York,” Dec. 2, 1783, <http://founding.com/library/lbody.cfm?id=191&parent=60>.

⁴⁰⁶ Washington to Lafayette, January 10, 1788, <http://etext.lib.virginia.edu/etcbin/ot2www.washington?specfile=/texts/english/washington/fitzpatrick/search/gw.o2w&act=surround&offset=36768298&tag=Writings+of+Washington,+Vol.+29:+To+MARQUIS+DE+LAFAYETTE&query=&id=>. Washington to Duane, September 7, 1783, in Lawrence B. Evans, ed., *Writings of George Washington* (New York: G.P. Putnam’s Sons, 1908), 480. In a letter to Congress a few months earlier, he had recommended that several of his former army officers be given land on the Western frontier to help “combat the [Native Americans], and check their incursions--A Settlement formed of such Men would give security to our frontiers” (Washington to the President of

James Madison also viewed immigration as a way to bolster frontier security. In a private letter he wrote, “Western strength is unable at present to command the use of the Mississippi [from the Spanish],” adding even more ominously, “Southern Indians are encouraged and armed by the Spaniards” to attack American settlements. But he was confident that the new government under the Constitution would induce “emigrants...from Europe” to the West, thus enabling the United States to “take the requisite measures for getting into our hands the Western posts which will not cease to instigate the [Native Americans], as long as they remain in British hands.” He was convinced that taking possession of the forts near the Great Lakes, which the British had refused to surrender, would help to secure the frontier.⁴⁰⁷ Western leaders also believed that emigration was essential for their

Congress, June 17, 1783, *ibid.*, 475). Washington also often wanted to see the West settled. He wrote to Lafayette, for example, that he hoped to see immigrants “increase and multiply” on the “fertile plains of the Ohio.” Many scholars argue that Washington sought to settle the West because he had an economic interest in the region. But to provide security for the young nation should also be considered as an explanation. Washington to Lafayette, July 25, 1785, *ibid.*, 501; Washington to Richard Henderson, June 19, 1788, *ibid.*, 510. On the naturalization law, see Washington, “First Annual Message to Congress,” January 8, 1790, *ibid.*, 331.

⁴⁰⁷ Madison to George Nicholas, May 17, 1788, in *The Documentary History of the Ratification of the Constitution*, eds., Margaret A. Hogan, Merrill Jensen, John P. Kaminski, Richard Leffler, Gaspare J. Saladino, and Charles H. Schoenleber, 22 vols. to date [hereafter *Documentary History*, eds., Jensen, Kaminski, Saldino et al.] (Madison, WI: State Historical Society of Wisconsin, 1976-), 18:24-32. John Jay similarly maintained that population growth, generated naturally or by immigration, was a source of power that foreign leaders feared. In his view, America’s allies “rejoice[d] to see her become great and powerful,” but he warned that “such other foreign nations...who, jealous of our growing importance...behold our rapid population growth with regret.” John Howard, a delegate to New York’s convention, wrote in private that the Constitution would induce immigrants to “transplant themselves into this happy soil, and enrich the United States at the expence of our enemies”--namely, Britain and possibly other European powers. Jay, “A Citizen of New-York: An Address to the People of the State of New York,” April 15, 1788, *ibid.*, XVII,101-120; Howard to George Thatcher, February 27, 1787, *ibid.*, 16:229-231; Robert R. Livingston to Marquis de la Luzerne, May 7, 1788, *ibid.*, 17:393. James Wilson, recognized as the “second” father of the Constitution, observed that “it is a maxim of every [nation], and it ought to be a maxim with us, that the increase of numbers increases...the security...of governments.” He added, “The power of the states, I apprehend, will increase with the population...of their inhabitants.” He urged the states to ratify the Constitution, which would “draw numbers from the other side of the Atlantic.” Otherwise, “we shall be unhappy from foreign restraints and internal violence.” On another occasion during the convention, he expounded that the new Constitution will “draw from Europe many worthy characters [and thus] secure us from danger and procure us advantages from foreign nations. . . . We are still an inviting object to one European power at least, and, if we cannot defend ourselves, the temptation may become too alluring to be resisted....This system will not hurry us into war; it is calculated to guard against it.” Wilson, the Pennsylvania convention, December 4, 1787, *ibid.*, 2:477-478, 583-584. At the Massachusetts convention, General Samuel Thompson declared that because of immigration and natural growth, “we are encreasing in numbers.” As a result, “we are able to stand our own ground against a foreign power-they cannot starve us out-they cannot bring their ships on the land.” Thompson and other delegates who presented similar arguments presumably thought that a robust population, through the manpower and resources it provided for an army, was vital for deterrence. David Ramsay, a South Carolinian leader, also believed that America’s growing population, stimulated in part by immigration, would strengthen the nation, declaring that because of “our growing numbers the citizens of the United States will probably be five times as numerous as the inhabitants of Great Britain.” Consequently, with a robust population and a strong central government, Ramsay

security. For example, prominent Kentucky politicians opposed the Constitution on the grounds that it would impede immigration. “[Our] population will cease,” they worried, “[and] leave us in a defenceless State and subject us to the ravages of the [American Indians.]”⁴⁰⁸

Politicians were not the only ones to connect immigration, population, and national power during early America; so did academics. William Barton, in a speech read before the American Philosophical Society, proposed, “There is not, perhaps, any political axiom better established, than this, --That a high degree of population contributes greatly to the...strength of a state....If these observations be applied to the United States of America, it will appear, that this country possesses, in a superior degree, an inherent, radical and lasting source of national vigor [strength] and greatness:--For, it will be found, that, in no other part of the world, is the progress of population so rapid, as in these states.”⁴⁰⁹

Articles in prominent newspapers during early America also encouraged immigration for geopolitical reasons. For example, a contributor to the *New York Daily Advertiser* wrote that the new Constitution would encourage “thousands in Europe, with moderate fortunes, [to] migrate to this country” and that the resulting wealth and population would enable “the Floridas [to] be conquered in a campaign” and “the spoils of the West-Indies and South-America [to] enrich the next generation.” A writer at the *Virginia Independent Chronicle* feared that France, Spain, Holland, and England, “tempted by our distracted and defenceless situation [may] divide the states amongst them....to acquire additional territory...[and] cut off

concluded, “we shall be protected from foreign invasion.” Thompson, *ibid.*, 6:1316. For similar speeches at the Massachusetts convention, see James Bowdoin, January 23, 1788, *ibid.*, 6:1317-1323; Thomas Dawes, January 12, 1788, *ibid.*, 6:1287-1289; Bowdoin to George Ewing, August 12, 1788, *ibid.*, 18:324; “David Ramsay Oration,” *Charleston Columbian Herald*, June 5, 1788, *ibid.*, 18:164.

⁴⁰⁸ McDowell et al. to the Court of Fayette County, Kentucky, February 28, 1787, *ibid.*, 16:261-263.

⁴⁰⁹ Barton, as he acknowledged in a written version of his speech, was merely affirming the policy advice already given by the British scholar Richard Price, “The encouragement of population ought to be one of the first objects of policy, in every state.” Barton, *Observations on the Progress of Population* 1-2, n.1. On Barton, see Milton Rubican, “A Memoir of the Life of William Barton, A.M. (1754-1817),” *Pennsylvania History* 12 (1945), 179-193.

at a single stroke the head of their formidable rival.” But he was also confident that because of immigration the nation would be the recipient of a “great increase of wealth and population,” which would afford it “perfect security against foreign invasions.”⁴¹⁰

The private and public comments regarding immigration by early American leaders thus indicates that they instituted an "open-door" policy to attract foreigners to assist with securing and settling the country as well as boosting national material and military strength.

"Open-Door" Policy during the Nineteenth Century: Americans continued to view an open immigration policy as important for material and military strength throughout the nineteenth century and the federal government left the country's borders largely unregulated through WWI. Federal leaders did not "set" an open door policy through law or decree, but rather through legislative inaction, so there is no "direct" debate to analyze to determine their reasons for the decision, but evidence indicates that Americans allowed millions of foreigners to populate their territory for national security and strength.

For one, American officials frequently noted the material value of immigrants, exemplified by their calculations of their per capita contribution to the country's wealth. For example, statisticians working for the United States Treasury Department estimated that each immigrant generated \$800 per year for the country, though others arrived at even higher figures, with Andrew Carnegie approximating that each immigrant contributed \$1,500 per annum for the U.S.⁴¹¹ One state immigration commissioner estimated that 35,000 immigrants came to Arkansas through his efforts and assuming that each immigrant brought \$100 cash

⁴¹⁰ Marcus," *New York Daily Advertiser*, 15 Oct. 1787, in Kaminski and Saladino (eds.), *Documentary History*, VIII, 383; "A Freeholder," *Virginia Independent Chronicle*, 9 April 1788, *ibid.*, IX, 728-729; *Pennsylvania Packet*, 3 June 1788, *ibid.*, VI, 149-151; "A Delegate Who Has Caught Cold," *Virginia Independent Chronicle*, 18 June 1788, *ibid.*, X, 1640-1643; "One of the People," *Massachusetts Centinel*, 17 Oct. 1787, *ibid.*, XIII, 394-395; "A True American," *Massachusetts Centinel*, 29 Sept. 1787, *ibid.*, XIII, 267; *Philadelphia Independent Gazetteer*, 22 Aug. 1787, *ibid.*, XIII, 189; "A Jerseyman: To the Citizens of New Jersey," *Trenton Mercury*, 6 Nov. 1787, *ibid.*, III, 146-151; *Philadelphia Independent Gazetteer*, 5 May 1788, *ibid.*, XVII, 386.

⁴¹¹ Higham, *Strangers in the Land*, 17.

with him and produced another \$100 through labor that these settlers generated \$7,000,000 for his state.⁴¹²

Second, and indicating why they concerned over the economic worth of immigrants, American leaders argued that immigration was essential for national strength and to compete in the international system. For example, John Quincy Adams explained that, “Neither the general government of the union, nor those of the individual states, are ignorant or unobservant of the additional strength and wealth, which accrues to the nation, by the accession of a mass of healthy, industrious, and frugal laborers.”⁴¹³ Robert Grier, a long-tenured Justice, argued in a Supreme Court decision regarding immigration that, “It is the cherished policy of the general government to encourage and invite Christian foreigners of our own race to seek asylum within our borders, and to convert these waste lands into productive farms, and thus add to the wealth, population, and power of the nation.”⁴¹⁴ And the U.S. Bureau of Foreign Commerce printed a report near the turn of the twentieth century that concluded that “owing exclusively to its enormous alien population...the United States is at the present day in a position to take rank with the great European powers” and it noted that immigration was weakening foreign states because they were losing men to America who could be used in “the military services, and the numerical strength of their armies is by so much diminished, which will be seriously felt in the hour of danger.”⁴¹⁵

Third, the value of foreign numbers for U.S. material and military strength permeated throughout public debate on immigration during the nineteenth century. For example,

⁴¹² Beverly Watkins, “Efforts to Encourage Immigration to Arkansas, 1865-1874,” *The Arkansas Historical Quarterly* 38 (Spring 1979): 49.

⁴¹³ Cited in *Niles Weekly Registry* 18 (April 29, 1820): 157. See also the discussion in Zolberg, *A Nation by Design*, 106-107, 511n.

⁴¹⁴ Quoted in Zolberg, *A Nation by Design*, 149.

⁴¹⁵ The report is published in the U.S. Bureau of Foreign Commerce, *Emigration and Immigration* (Washington, 1887), 720-34, excerpted in Edith Abbott, ed., *Historical Aspects of the Immigration Problem: Select Documents* (Chicago, IL: The University of Chicago Press, 1926), 398.

Hezekiah Niles, editor of the *Niles' Weekly Register*, one of the most widely circulated magazines of the period, concluded in an article that immigrants “add to the labor, and of consequence increase the wealth of our country in peace, and hold the nerve to assist in defending it in war.” He noted that Irish immigrants “much aided to fill the ranks of the army during the war,” referring to their efforts during the War of 1812, “and they fought gallantly for freedom, feeling that they had a share in the contest as their own.”⁴¹⁶

The comments by American leaders during the nineteenth century thus indicate that they maintained the “open door” policy set by the founders to invite large numbers of foreigners for material and military strength.

Immigrant Inducements, Literature, and Recruitment Agents

Although the U.S. acted as a natural magnet for foreigners because of its economic opportunities and political and religious freedoms, American leaders were so desirous of foreign manpower during the country's first one hundred twenty-five years that they also took steps beyond leaving borders largely unregulated to attract immigrants. For material and military reasons, officials from the colonial period through WWI attempted to induce foreigners to come to the U.S. through offering them economic and political incentives, by distributing brochures and pamphlets throughout foreign countries positively depicting American life, and through hiring agents to distribute recruitment literature overseas and to encourage them to come to the U.S.⁴¹⁷ These types of methods for attracting immigrants were

⁴¹⁶ *Niles' Weekly Register* 10 (July 27, 1816): 366. A popular article in the *North American Review*, the oldest literary magazine in the U.S., similarly concluded near the end of the nineteenth century that, “In ninety years, a feeble people of 3,900,000, occupying the country adjacent to the sea, has been transformed into one of the greatest nations of the world, having a population of 50,000,000, spanning a continent, and possessing untold wealth and boundless resources.” Edward Self, “Why They Come,” *North American Review* 134 (1882), excerpted in *Historical Aspects of Immigration*, ed., Abbott, 405.

⁴¹⁷ The efforts made by state and federal leaders to attract immigrants to come to America during this period were once commonly discussed by analysts, but they have been obscured since the mid-twentieth century by scholars who have focused on the exclusionary and restrictive strain of American immigration policy during the country's first hundred years. See, for example, Livia Appel and Theodore C. Blegen, “Official Encouragement of Immigration to Minnesota during the Territorial Period,” *Minnesota History Bulletin* 5 (August 1923): 167-203; Maurice G. Baxter, “Encouragement of Immigration to the Middle West During the Era of the Civil War,” *Indiana*

devised during the colonial period so this section first discusses their use during that period before overviewing their utilization from the founding of the country through the first two decades of the twentieth century.

Recruitment Measures during the Colonial Period: Colonial leaders set the precedent for early American officials by repeatedly devising incentives to attract immigrants to their territories such as tax exemptions, free land, naturalization and other political advantages, tools, and provisions.⁴¹⁸ For example, South Carolina leaders enacted ten laws to entice immigrants to come to their state from 1696 to 1741, including tax exemptions and bounties in the form of money and tools; Georgia, Maryland, North Carolina, and Virginia passed legislation that provided immigrants with exemptions from taxes or protection from suit by debtors for ten years; Maryland and Virginia created special tax exemptions for groups of immigrants who settled in the sparsely populated back-country; Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, and Pennsylvania offered easy terms of naturalization and other political incentives to immigrants; and South Carolina even went so far as to pass

Magazine History 46 (March 1950): 25-35; Rowland T. Berthoff, "Southern Attitudes Toward Immigration, 1865-1914," *The Journal of Southern History* 17 (August 1951): 328-360; Blegen, "The Competition of the Northwestern States for Immigrants," *Wisconsin Magazine of History* 3 (September 1919): 3-29; Curti and Birr, "The Immigrant and the American Image in Europe"; Marcus L. Hansen, "Official Encouragement of Immigration to Iowa," *Iowa Journal of History and Politics* 19 (April 1921): 159-195; Higham, *Strangers in the Land*, 14-19; W.L. Jenks, "Michigan Immigration," *Michigan History Magazine* 28 (January-March 1944): 69-95; Erna Risch, "Encouragement of Immigration: As Revealed in Colonial Legislation," *The Virginia of History and Biography* 45 (January 1937): 1-10; idem, "Joseph Crellius, Immigrant Broker," *The New England Quarterly* 12 (June 1939): 241-267; Charles Shanabruch, "The Louisiana Immigration Movement, 1891-1907: An Analysis of Efforts, Attitudes, and Opportunities," *Louisiana History: The Journal of the Louisiana Historical Association* (Spring 1977): 203-226; Watkins, "Efforts to Encourage Immigration to Arkansas"; E. Russ Williams, Jr., "Louisiana's Public and Private Emigration Efforts, 1866-1893," *Louisiana History: The Journal of the Louisiana Historical Association* 15 (Spring 1974): 153-173; R.H. Woody, "The Labor and Immigration Problem of South Carolina during Reconstruction," *The Mississippi Valley Historical Review* 18 (September 1931): 195-212.

⁴¹⁸ See especially Risch, "Encouragement of Immigration," 1-10. See also Bailyn, *Voyagers to the West*, 296-323; Emberson Edward Proper, *Colonial Immigration Laws: A Study of the Regulation of Immigration by the English Colonies in America* (New York, 1900); and Risch, "Encouragement and Aid to Immigrants, 1607-1830," Unpub. Dissertation, University of Chicago, 1931.

an inducement law that naturalized the deceased, conferring valid titles to estates on those born in another country.⁴¹⁹

The preambles to the laws indicate that leaders sought foreign numbers to strengthen their states, with the Georgia assembly passing an act to encourage immigration under the premise that it is “of the greatest Importance to the safety of the British Empire in America that the Province of Georgia should be peopled with a Number of Inhabitants sufficient to repel any Invasion or Incroachment of foreign Powers, and to prevent any Incursion of the Indians”; and the South Carolina assembly passing a similar statute because “nothing contributes more to the safety and flourishing estate of any country than the multitude of people.”⁴²⁰ This type of sentiment was also expressed in private correspondence, exemplified by a private letter written by Josiah Willard, the Secretary of the Massachusetts Bay colony who said that with immigration his “Government have but one point in view viz. [that is to say] by enlarging the number of inhabitants to increase the strength & general interest of the whole.”⁴²¹

Recruitment Measures from 1776 through the early Twentieth Century: U.S. leaders continued to devise measures to recruit immigrants after the colonies achieved independence from Britain through the first two decades of the twentieth century. The federal government, as discussed earlier in the chapter, passed legislation during the Civil War to induce immigrants to come to the Union states to assist with the war effort, but it was primarily state governments that aggressively sought foreign numbers during the period, most

⁴¹⁹ Proper, *Colonial Immigration Laws*, 69n; Risch, “Joseph Crellius,” 245n; and idem, “Encouragement of Immigration,” 1-10.

⁴²⁰ Quoted in *Ibid.*, 2, 4n.

⁴²¹ Josiah Willard to Heinrich Ehrenfried Luther, December 21, 1752, quoted in Risch, “Joseph Crellius,” 256. Risch, one of the scholars who has most closely immigration legislation the period, concludes that colonial leaders sought foreign numbers to “promote settlement” and “create a protective barrier for the colonies against Spanish, French, and Indians.” Risch, “Encouragement of Immigration,” 1.

likely because they did not have to concern over the diplomatic consequences of recruiting foreign manpower.⁴²²

The efforts made by leaders to attract immigrants varied by state and through time based on manpower needs for and securing and settling territory.⁴²³ For example, twenty-five out of the thirty-eight states that constituted America during the two decades after the Civil War took action to induce immigrants to their territories to assist with rebuilding war-torn economies.⁴²⁴ In regard to geographic location, western state leaders, requiring large numbers of men to develop and secure sparse lands were particularly aggressive in their efforts to procure foreign numbers throughout the late eighteenth and nineteenth centuries, though southern state leaders exerted similar efforts to recruit immigrants to their backcountries, especially during the decades after the Civil War when their economies and populations were severely depleted by war and the loss of slave labor.⁴²⁵

The states competed with one another for immigrants and leaders went to great lengths to attract immigrants to their territories.⁴²⁶ Many of the states established and

⁴²² For example, federal leaders were constrained during the Civil War in taking aggressive measures to recruit immigrants out of concern of angering European leaders and provoking them to give aid to the Confederacy. See the discussion in Lonn, *Foreigners in the Union Army and Navy*, 406-435. On other immigration recruitment schemes considered by the federal government after the Civil War see Higham, *Strangers in the Land*, 17; and George M. Stephenson, *A History of American Immigration, 1820-1924* (Boston, 1926), 139-140. On how foreign policy considerations affect U.S. immigration policies see Chapter 2 of this dissertation.

⁴²³ Higham, *Strangers in the Land*, 17-18.

⁴²⁴ *Ibid.*, 18.

⁴²⁵ Berthoff, "Southern Attitudes Toward Immigration," 328-360; Blegen, "Competition of the Northwestern States for Immigrants," 3-29; and Higham, *Strangers in the Land*, 17-18.

⁴²⁶ See, for example, Blegen, "Competition of the Northwestern States for Immigrants," 23; Drew R. McCoy, "James Madison and Visions of American Nationality in the Confederation Period: A Regional Perspective," in *Beyond Confederation: Origins of the Constitution and American National Identity*, eds., Richard Beeman, Stephen Botein, and Edward C. Carter II (Chapel Hill, NC, 1987), 226-60; and Totten, "Security and U.S. Immigration Policy," 47-48. The following description of the efforts of a few of the states to recruit immigrants after the Civil War provides a sense of the extent to which many state leaders went to attract foreign numbers. "The Georgia assembly in 1866 authorized a private real-estate lottery...to encourage immigration, and three years later appropriated funds for two immigration commissioners. During the next decade the state issued immigration pamphlets and in 1879 authorized a land and immigration agent whose expenses would come from fees paid by settlers. The Louisiana immigration bureau...distribute[d] handbooks in Germany and Ireland. In 1866 Virginia sanctioned foreign contract labor for two years and incorporated six land-colonization companies. From that year to 1888 a state agency sought to attract immigrants. Tennessee in 1867 established a German Society in Nashville

appointed immigration bureaus and commissioners to oversee recruitment efforts, set aside thousands of dollars per annum to recruit immigrants, and enticed foreigners with cheap land, free passage, and tax exemptions.⁴²⁷ The most common method used by state leaders to attract immigrants was to print and distribute brochures and pamphlets to foreigners in their languages that positively described American life.⁴²⁸ The states also employed large numbers of overseas agents to distribute the literature and recruit foreigners to come to their territories.⁴²⁹

Why did U.S. leaders during this period take steps to attract immigrants to the country? Comments by American officials indicate that they did so for material and military reasons. For example, a congressional committee on immigration during the Civil War concluded that foreign manpower was required for the domestic war effort and to rebuild the

and created a state board to publish handbooks and to send agents to the North and Europe and the South. Arkansas in 1868 voted foreign-travel expenses for an immigration agent and in 1873 subsidized pamphlets in English and German. Alabama legalized two-year labor contracts in 1866, authorized certain persons to promote immigration in 1872, and from 1875 to 1877 provided for a commissioner and agents abroad. Florida's immigration bureau, established in 1869, continued until 1891. In 1871 Texas organized a bureau with agents for the North, South, Great Britain, and Europe, though the state constitution forbade appropriations of funds for the purpose. In 1873 the Republican legislature of Mississippi created a department of agriculture and immigration; in 1882 the Democrats passed acts encouraging new population and industries." Berthoff, "Southern Attitudes Toward Immigration," 337.

⁴²⁷ See, for example, Higham, *Strangers in the Land*, 17-18; and Loewenberg, "Efforts of South to Encourage Immigration," 377.

⁴²⁸ As just one example of the recruitment efforts of one state, consider that the Wisconsin Board of Immigration in 1880 printed "10,000 pocket maps of Wisconsin, in English, German, and Norwegian. In 1881, 5,000 maps were sent to England and an equal number to Germany. About 25,000 pamphlets were printed in 1881, and in the following year close to 30,000 were distributed. In 1883, 19,884 maps and pamphlets were sent out; in 1884, 17,016; and in 1885-86, 23,032. During the six years more than one hundred thousand pamphlets on Wisconsin were distributed." Blegen, "Competition of the Northwestern States for Immigrants," 21-22. The literature used by the states to induce foreign numbers promised amongst other things "a healthful and salubrious climate conducive to happiness and longevity," "political liberty and religious toleration," and "a soil containing untold mineral riches." Loewenberg, "Efforts of South to Encourage Immigration," 376.

⁴²⁹ State leaders also often worked in conjunction with executives and officials of U.S. companies and agencies interested in recruiting foreigners to America. Machinery, manufacturing, mining, steamship, and especially railroad companies required large numbers of laborers to fuel their expanding industries during this period so they took numerous steps to recruit immigrants to work for them. The large demand for foreign manpower in the states, especially in the latter half of the nineteenth century, also resulted in the creation of private agencies which served as "middlemen" between immigrants and companies, such as the American Emigrant Company, American Board of Immigration, the North American Land and Emigration Company, and the North American Trust and Agency Company. State and federal officials often encouraged or supported the efforts by these agencies and businesses to recruit foreign numbers. See, for example, Berthoff, "Southern Attitudes Toward Immigration," 333; Curti and Birr, "The Immigrant and the American Image in Europe," 210, 211n; and Higham, *Strangers in the Land*, 16-17.

material strength of the country after the conflict. "The war has depleted our workshops, and materially lessened our supply of labor in every department of industry and mechanism," the report explained. "In their noble response to the call of their country, our workmen in every branch of the useful arts have left vacancies which must be filled, or the material interest of the country must suffer. The immense amount of native labor occupied by the war calls for a large increase of foreign immigration to make up the deficiency at home. The demand for labor never was greater than at present," the committee declared. "The south," the report correctly predicted, "having torn down the fabric of its labor system by its own hands, will, when the war shall have ceased, present a wide field for voluntary white labor, and it must look to immigration for its supply."⁴³⁰ Similarly, another congressional committee meeting soon after the war concluded that, "Our nation owes much of its importance in wealth and power among the nations of the earth to the people of foreign birth who have come to our shores since the foundation of the government" and thus it called for measures to induce foreigners to the states.⁴³¹

States leaders also sought immigrant manpower for material and military strength.

For example, a report issued by the New York Assembly argued that landholding rights should be extended to aliens because doing so attracted immigrants who were important for military

⁴³⁰ "Extract from Report from the Committee on Agriculture....on the Enactment of Suitable Laws for the Encouragement and Protection of Foreign Immigrants Arriving within Jurisdiction of the United States, February 18, 1864," in *Historical Aspects of Immigration*, ed., Abbott, 346-347. The committee's final remark turned out to be prescient and the southern states aggressively sought foreign numbers to assist with reconstruction after the Civil War. The reason underlying the southern appetite for foreign numbers during this period was perhaps best summarized by James Dunwood Brownson DeBow, the popular and widely followed American publisher, in a letter to Governor Benjamin Franklin Perry of South Carolina. "With a country wasted by long and devastating war, with habits of labor broken up, with the machinery of industry destroyed, and a great social and industrial problem to be solved, under an extraneous pressure, which at times is most unreasoning and unreasonable the condition of the South has scarcely a parallel in modern times." DeBow concluded, however, that there was "one answer" to the challenge, which was that "The South must throw her immense uncultivated domain into the market at a low price; reduce the quantity of land held by individual proprietors, and resort to intelligent and vigorous measures at the earliest moment, to induce an influx of population and capital from abroad." James Dunwood Brownson DeBow to Governor Benjamin Franklin Perry, *New York Times*, October 15, 1865. DeBow was perhaps best known for his influential magazine, *DeBow's Review*.

⁴³¹ Consequently, it reasoned that foreign numbers could assist the nation in its war recovery and the settling of western lands and it therefore recommended that foreign consuls should have the responsibility to distribute information which would "tend to induce persons of capital, industry, or skill, to emigrate to this country." Hutchinson, *Legislative History of American Immigration Policy*, 53-54.

power. It explained that America traditionally invited "men of every nation to join us" because they assisted in protecting the country. "Fighting for home, religion, and liberty, aliens ministered at our altars, and led our armies," the report noted, referring to immigrant participation in the Revolutionary War. "Their eloquence and steady zeal encouraged the timid and gave new vigor to the brave, and their names echoed to the voice of our victories. It was this confident self-reliance, that justified the wise and prophetic fathers of the republic in making no barriers to our ports and no gates to our cities," the report declared, referring to how the federal government had left national borders unrestricted and why their state should offer inducements to attract foreigners.⁴³²

Likewise, a Wisconsin Immigration Commissioner argued that immigration served to strengthen the U.S. vis-à-vis others nations in the international system. After describing his state's efforts to procure immigrants, he explained that "Of late, nearly all European Governments have attempted to check the constantly increasing drain of population and capital from their dominions; and though they fail entirely to stop the stream, yet the measures they have adopted are not without effect. It is also too well known that on many sides the growing power of the United States is regarded with dissatisfaction, and begins to excite their serious apprehensions. But it is also known that every adopted citizen strengthens this power and, therefore, recently these Governments have employed every means in their power to divert the stream, the flow of which they cannot stay, in another direction, to such countries whose governments sympathize with their own."⁴³³

⁴³² Early American leaders, the report continued, "placed no sentinels on our borders and no armed police in our streets, and established no government espionage." Extract from the *Report of Select Committee on Allowing Resident Aliens to Hold Real Estate* (New York Assembly Document No. 168, 1848, in *Historical Aspects of Immigration*, ed., Abbott, 763.

⁴³³ He also reported that other American countries were competing with the U.S. for immigrants, noting that "Among others, Brazil, which has many millions of acres of yet unoccupied lands lying within its boundaries, has just discovered the importance and profit of immigration, and has not only passed a law granting to every immigrant the necessary land for a home without price, but the Government has appropriated \$400,000 yearly to the furtherance of immigration." "Report of the Commissioner of Emigration for Wisconsin," in *Historical Aspects of Immigration*, ed., Abbott, 131.

Consequently, as comments by leaders in this section indicate, U.S. officials devised recruitment measures and schemes to attract immigrants to materially and militarily strengthen the U.S. in the international community.

SUMMARY:

This chapter detailed that leaders have a motivation for manipulating the size and skill level of their country's population and labor force for security purposes, notably because these demographic areas serve as principal building blocks of a state's material and military power. It then outlined the types of immigration policies that they have used to attempt to alter the size and composition of its labor force and population for material and military gain, which include policies to attract manpower during war, recruit skill immigrants, and to increase population size. The policy methods used by leaders to reach these objectives include exempting skilled immigrants from restrictive legislation, allocating a percentage of visas made available under immigration legislation to those with special skills, "one-time" laws allowing the entrance of skilled immigrants, an "open-door" federal immigration policy, overseas agents and recruiting campaigns, and temporary foreign worker programs. It found that contrary to extant studies in the area that material and military factors have played a much larger role in the formation of U.S. immigration policies than commonly thought, particularly during times of war and high geopolitical threat.

Domestic Security Objectives and U.S. Immigration Policy

What is the relationship between immigration and U.S. domestic security interests?

How have leaders factored these types of objectives into American immigration policy?

The answers to these questions lie in that immigration poses risks to many of the "domestic" or internal security interests of a state. Security is an "elastic term" in the sense that its definition depends on who or what is being secured, but for states obtaining it generally "refers to the safeguarding of [its] people, territory, and way of life."⁴³⁴ State leaders seek security for their people through protecting them from threats posed by foreign nations in the global community, as well as from threats that can occur "domestically," such as those related to crime, ethnic violence, infectious disease, narcotics, and terrorism.⁴³⁵

These domestic security threats, so dubbed because they are commonly thought to originate within country, are intimately connected with immigration because their sources can stem outside borders. For one, criminals, drug traffickers, secret agents, and terrorists can cross U.S. borders as immigrants to carry out an attack, commit a crime, evade capture, smuggle contraband, or spy on the country. Second, foreigners hosting a dangerous contagious disease can carry it into the U.S. via immigration and spawn an epidemic. And

⁴³⁴ For discussions on the definition of security, Amos A. Jordan, William J. Taylor, Jr., Michael J. Meese, and Suzanne C. Nielsen, *American National Security*, 6th ed. (Baltimore, MD: The Johns Hopkins University Press, 2009 [1981]), 3-5, quote on 3; Joseph S. Nye, Jr., "Redefining the National Interest," *Foreign Affairs* 78 (July/August 1999): 22-35; The Commission on America's National Interests, *America's National Interests* (Cambridge, MA: The Commission on America's National Interests, 2000), esp. 5-8; and Paul Williams, "Security Studies: An Introduction," in *Security Studies: An Introduction*, ed., idem (London: Routledge, 2008), 1-10, quote on 1.

⁴³⁵ This chapter touches on a post-Cold War debate within the international relations (IR) field over the boundaries of the field, with some scholars arguing that the discipline should continue to focus primarily on threats posed by foreign states in the international community and the economic and military dimensions of security while other scholars have argued that the field should be broadened to include security areas such as crime, drugs, narcotics, and epidemics. See, for example, Barry Buzan, Ole Waever, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder, CO: Lynne Rienner Publishers, Inc., 1998); Jordan *et al.*, *American National Security*, 4; Keith Krause and Michael C. Williams, "Broadening the Agenda of Security Studies: Politics and Methods," *Mershon International Studies Review* 40 (1996): 229-254; and Stephen M. Walt, "The Renaissance of Security Studies," *International Studies Quarterly* 35 (1991): 211-239.

third, a rapid influx of foreigners into America can quickly alter the ethnic or religious composition of the country, which can lead to domestic uprisings and conflict.

The domestic security components of immigration, despite their importance for American security, have been the subject of few studies until recently, most likely because many scholars point to the fact that only a small percentage of immigrants pose a threat and they fear that leaders may sensationalize the area to rally the public to support xenophobic agendas.⁴³⁶ While a concern, a greater understanding of the relationship between domestic security and U.S. immigration policy is required to protect against catastrophic security events as well as bring transparency to the area to hold officials accountable for responsible policy decisions.

This chapter assists with this task by detailing the relationships between domestic security issues and U.S. immigration policy. It divides the domestic security threats associated with immigration into three broad categories: 1. epidemics; 2. ethnic conflict; and 3. crime (including drug smuggling), espionage, and terrorism. For each of these security risks, the chapter uses extant work in the area, IR and security studies theories, government documents, primary sources, and works by historians to specify their relationships with immigration and identify policy instruments used by leaders to influence immigration to protect against them. It also presents cases of U.S. immigration policies designed for domestic security purposes.

⁴³⁶ The "domestic" security components of immigration began to receive attention at end of the Cold War and especially after the September 11, 2001 terrorist attacks, which were carried out by foreigners who came to the country on U.S.-issued visas. See, for example, David T. Graham and Nana Poku, "Population Movements, Health, and Security," in *Redefining Security: Population Movements and National Security*, eds., Poku and Graham (Westport, CT: Praeger, 1998), 203-234; and the chapters in Alexander Moens and Martin Collacott, eds., *Immigration Policy and the Terrorist Threat in Canada and the United States* (Vancouver, Canada: Fraser Institute, 2008). Regarding public leaders sensationalizing the area for ulterior motives, see, for example, Didier Bigo, "Security and Immigration: Toward a Critique of the Governmentality of Unease," *Alternatives* 27 (2002): 63-92; Ayse Ceyhan and Anastassia Tsoukala, "The Securitization of Migration in Western Societies: Ambivalent Discourses and Policies," *Alternatives* 27 (2002): 21-39; and Howard Markel and Alexandra Minna Stern, "The Foreignness of Germs: The Persistent Association of Immigrants and Disease in American Society," *Millbank Quarterly* 80 (December 2002): 757-788.

Table 3: Domestic Security Objectives and U.S. Immigration Policy

Domestic Security Objective	Immigration Policy	Immigration Policy Instruments/Vehicles	Examples of Immigration Policies
Prevent Epidemics	Prevent Entrance of Foreigners Carrying Dangerous Contagious Disease	Border Monitoring Systems; Isolation/Quarantine; Stipulations in Legislation Banning Entrance of those Suspected of Carrying Disease	Major immigration laws through history, such as the 1920s Quota Acts, the McCarran-Walter Act of 1952, the Immigration Act of 1965, & the Immigration Act of 1990 ban and stipulate measures to prevent the entrance of foreigners carrying specified types of contagious disease.
Prevent Crime, Drug Smuggling, Espionage, and Terrorism	Prevent Entrance of Criminals, Drug Traffickers, Spies, and Terrorists	Border Monitoring Systems; Deportation; Stipulations in Laws Preventing Entrance of those suspected of crime, espionage, and terrorism.	Major immigration laws through history, such as the Immigration Act of 1917, the 1920s Quota Acts, the McCarran-Walter Act of 1952, the Immigration Act of 1965, and the Immigration Act of 1990 ban and stipulate measures to prevent the entrance of suspected anarchists/terrorists, criminals, and spies.
Prevent Ethnic Violence	Prevent Entrance of Large Numbers of New Ethnic Groups	Stipulations in Immigration Legislation Limiting/ Preventing Entrance of Specified Ethnic Groups	The 1920s Quota Acts created numerical immigrant "quotas" for eastern hemisphere countries to prevent the entrance of large numbers of new ethnic groups out of fear of domestic conflict.

Part 1: Epidemics and U.S. Immigration Policy

Epidemics have posed perhaps the largest security threat to humankind through history. Several of them have rapidly and indiscriminately claimed lives at a faster pace than even the great wars of the twentieth century.⁴³⁷ Many infectious diseases are highly contagious so the movement of sick people across borders poses security risks to states due to their affect on human health and their ability to disturb economic production and generate civil discord.

⁴³⁷ For example, tuberculosis, as just one example of a worldwide pandemic, ranked at the top with war as one of the largest killers of the nineteenth century, claiming the lives of as many as an estimated one half of a percent of the population in the western world. Lemay, *Guarding the Gates*, 41. On American epidemics see *Ibid.*, esp. 21, 41, 71; June E. Osborn, ed., *History, Science, and Politics: Influenza in America, 1918-1976* (New York: Prodist, 1977); Charles E. Rosenberg, *The Cholera Years: The United States in 1832, 1849, and 1866* (Chicago, IL: The University of Chicago Press, 1962); and Terra Ziporyn, *Disease in the Popular Press: The Case of Diphtheria, Typhoid Fever, and Syphilis, 1870-1920* (New York: Greenwood Press, 1988). For accounts of epidemics through world history, including discussion on those in America, see John M. Barry, *The Great Influenza* (New York: Penguin Group, 2004); Alfred W. Crosby, Jr., *Epidemic and Peace, 1918* (Westport, Conn.: Greenwood Press, 1976); Jared Diamond, *Guns, Germs, and Steel: The Fates of Human Societies* (New York: W.W. Norton & Company, 1999); Geoffrey Marks and William K. Beatty, *Epidemics* (New York: Charles Scribners's Sons, 1976); and William H. McNeill, *Plagues and Peoples* (Garden City, NY: Anchor Press, 1976).

Advances in technology and transportation over the past two centuries have compounded epidemic risk to states, especially in comparison to earlier times, and today a contagious disease originating in a distant place, even as far off as China or Russia can be carried by a foreigner to the U.S. in less than a day. A National Intelligence Estimate, for example, concludes that most infectious diseases “originate outside U.S. borders and are introduced by international travelers, immigrants, returning U.S. military personnel, or imported animals and foodstuff” and “pose a rising global threat and will complicate U.S. and global security over the next twenty years.”⁴³⁸

This part of the chapter discusses the risk between infectious disease and U.S. immigration policy by overviewing epidemics through world and American history, detailing the security risks posed by epidemics for states, and discussing types and examples of immigration policies designed by U.S. leaders to protect against contagions.

Epidemics and Security in Historical Perspective

Many examples exist through history of epidemics destroying civilizations and militaries and abruptly altering the fate of governments and societies. Thucydides recorded perhaps the first account of an infectious disease, detailing the horror following the “plague of Athens,” which was brought to Greece by sailors from Northern Africa and reduced the Athenian population by over one-third, significantly weakening their army and contributing to their defeat in the Peloponnesian Wars.⁴³⁹ The bubonic plague (the Black Death) arrived in

⁴³⁸ National Intelligence Council (NIC), “The Global Infectious Disease Threat and Its Implications for the United States,” NIE 99-17D, January 2000, published in, *Environmental Change & Security Project Report 6* (Summer 2000): 33-65, available at <http://www.wilsoncenter.org/topics/pubs/Report6-3.pdf> (accessed July 22, 2009), quotes at 34.

⁴³⁹ Regarding the plague, Thucydides wrote, “The bodies of the dying were heaped one on top of the other, and half-dead creatures could be seen staggering about in the streets or flocking around the fountains in their desire for water. For the catastrophe was so overwhelming that men, not knowing what would next happen to them, became indifferent to every rule of religion or law. Athens owed to the plague the beginnings of a state of unprecedented lawlessness. Seeing how quick and abrupt were the changes of fortune...people now began openly to venture on acts of self-indulgence which before then they used to keep in the dark. As for what is called honor, no one showed himself willing to abide by its laws, so doubtful was it whether one would survive to enjoy the name for it. No fear of god nor law of man had a restraining influence. As for the gods, it seemed to be the same

Europe during the fourteenth century by traders from Central Asia along the Silk Road, reducing the population of the continent by an estimated thirty to forty-five percent and perhaps contributing to the collapse of the feudal system.⁴⁴⁰ European explorers introduced diseases in the New World that between Columbus's arrival in 1492 and the start of the eighteenth century killed as many as ninety-five percent of the North American Indians, contributing to the relative ease with which their lands were taken by imperial powers.⁴⁴¹ More recently, the resolve of German soldiers was broken by the 1918 influenza outbreak during WWI, and as is the case in most wars, disease killed more soldiers during WWII than combat in many theatres of action.⁴⁴²

In regard to the U.S., deadly outbreaks of the ague, bacillary dysentery, cholera, diphtheria, influenza, lobar pneumonia, malaria, tuberculosis, typhus, typhoid, scarlet fever, small pox, and yellow fever repeatedly broke out across the country from the seventeenth through the early twentieth centuries.⁴⁴³ To give just a few examples and statistics, Philadelphia lost as much as an eighth of its population in a two month span to yellow fever in 1793, New Orleans had a higher death than birth rate for most of the nineteenth century in large part due to cholera and yellow fever, and it is estimated that the 1832, 1849, and 1866 cholera outbreaks killed over 200,000 Americans.⁴⁴⁴ And contagious disease continued to claim

thing whether one worshipped them or not, when one saw the good and the bad dying indiscriminately. As for offences against human law, no one expected to live long enough to be brought to trial and punished." Thucydides, *History of the Peloponnesian War* (Penguin, 1980), 155, cited in Andrew T. Price-Smith, *Contagion and Chaos: Disease, Ecology, and National Security in the Era of Globalization* (Cambridge, MA: The MIT Press, 2009), 37. See also the discussion in *Ibid.*, 5, 36-38.

⁴⁴⁰ *Ibid.*, 5, 40-45.

⁴⁴¹ Francisco Pizarro, for example, defeated an Incan army of 80,000 soldiers with only 168 Spaniard soldiers because a smallpox epidemic killed large numbers of the Native American population, including the emperor and his heir, and caused civil war. Susan Peterson, "Epidemic Disease and National Security," *Security Studies* 12 (Winter 2002/2003): 55, 76; and Price-Smith, *Contagion and Chaos*, 5, 47-48.

⁴⁴² Peterson, "Epidemic Disease and National Security," 76.

⁴⁴³ *Ibid.*

⁴⁴⁴ Wilson G. Smillie, "The Period of Great Epidemics in the United States (1800-1875)," in *The History of American Epidemiology*, ed. Franklin H. Top (St. Louis: The C.V. Mosby Company, 1952), 58-60; Jim Murphy, *An American*

large numbers of American lives during the first half the twentieth century, exemplified by the fact that typhoid killed an estimated one million lives from 1880-1920, and by the Spanish Influenza, the deadliest disease in human history as measured by the absolute number of lives it claimed worldwide, struck soon after WWI to kill an estimated 500,000 Americans in a few short years.⁴⁴⁵

But by the mid-twentieth century, with the discovery of cures and vaccines for many infectious diseases and improvements in sanitation methods the death tolls from communicable diseases plummeted in the U.S. Nevertheless, approximately 170,000 Americans die each year from infectious diseases and epidemics remain a security threat for states today.⁴⁴⁶ For example, a U.S. National Intelligence Estimate on infectious disease reports that since 1973 at least twenty known diseases such as cholera and tuberculosis have reappeared or spread to new locations around the globe and approximately thirty previously unknown diseases such as Ebola and hepatitis C have been discovered by scientists, many of which do not have available cures. The report also emphasizes the susceptibility of modern states to biological attacks by rogue groups and individuals, citing the 2001 mail-based

Plague: The True and Terrifying Story of the Yellow Fever Epidemic of 1793 (New York: Clarion Books, 2003); and Rosenberg, *Cholera Years*. Regarding the yellow fever epidemic of 1878, a scholar writes, "The pre-epidemic population of [Memphis, Tennessee] was about 50,000. Of these, about 30,000 fled. In a space of three months, 17,500 of the remainder were attacked and 5,150 died. Of a police force of 48 officers, 27 were attacked and 10 died. Of 39 members of the Howard Association who volunteered to stay and assist the sick, 32 were attacked and 12 died. Such was yellow fever when it struck a large and susceptible population." James A. Doull, "The Bacteriological Era (1876-1920), in *The History of American Epidemiology*, ed. Top, 84.

⁴⁴⁵ The Spanish Influenza is estimated to have killed fifty to one hundred million people throughout the world. Doull, "The Bacteriological Era," in *The History of American Epidemiology*, ed. Top, 86; Barry, *The Great Influenza*, 4. The symptoms of the virus were horrific, including profuse nose and ear bleeding, strange dermatological changes, including a deep blackening of the skin, agonizing muscular pain, headaches and delirium, vomiting, and coughing so intense "that autopsies would later show [that the diseased] had torn apart abdominal muscles and rib cartilage." Many Americans lived in daily fear of catching the disease, prompting San Franciscans to wear masks to protect themselves from the airborne virus. See discussion in Alfred W. Crosby, "The Pandemic of 1913," in Osborn, ed., *History, Science, and Politics*, 9-13.

⁴⁴⁶ The World Health Organization (WHO) estimates that from 1945 through the turn of the century that just three infectious diseases—AIDS, tuberculosis, and malaria—have killed over 150 million people worldwide, which is considerably more than the twenty-three million deaths from wars during a comparable time period. In fact, according to a recent estimate, WHO reports that approximately twenty-five percent of all deaths throughout the globe each year are from infectious diseases. Petterson, "Epidemic Disease and National Security," 47-48, citing the World Health Organization, "Removing Obstacles to Healthy Development, Report on Infectious Diseases" (Geneva: WHO, 1999), available at www.who.int/infectious-disease-report/, accessed on July 21, 2009.

anthrax attacks throughout the U.S. as a possible example of terrorism.⁴⁴⁷ Thus, the existence of modern bioterrorism coupled with recent outbreaks in developed nations (e.g., the 2003 Severe Acute Respiratory Syndrome (SARS) virus and the 2009 Swine Flu) indicate that the U.S. remains vulnerable to epidemics.

Security Threat of Epidemics to the U.S.

As the previous examples illustrate, epidemics pose security threats to a state in a number of ways, primarily through their negative affect on the citizen health, economy, foreign relations, and military strength of a nation. This section elucidates the security threat to nations from disease to emphasize why a state may devise immigration policies to ward off a contagion.⁴⁴⁸

Economic and Military Power: Epidemics can reduce the ability of a state to project economic and military power in the international system. Infectious disease does this primarily through its affect on human health, ingenuity, and productivity, with possible results of an epidemic including a high mortality rate, sick citizens unable to return to work, and laborers performing at suboptimal capacities—all outcomes that can tax social and healthcare systems and stagnate the economic and military production of a state. Disease also has a psychological toll on citizens, creating anxiety and fear amongst members of a polity, which can curb social and technological innovation, disrupt trade, limit capital investment, and encourage firms and entrepreneurs to abandon long-term economic plans.⁴⁴⁹

Domestic Security: The psychological impact of disease on people within a society is frequently severe, with the uncertainty and devastation wrought by epidemics capable of

⁴⁴⁷ National Intelligence Council, "Global Infectious Disease Threat," 34, 37.

⁴⁴⁸ This section draws from Peterson, "Epidemic Disease and National Security,"; and Price-Smith, *Contagion and Disease*, which detail the connection between epidemics and the security of states.

⁴⁴⁹ Price-Smith, *Contagion and Disease*, 20-21, 204-205.

prompting erratic and violent behavior amongst members of a polity. “Emotions and perceptual distortions” emerging as a result of a deadly disease outbreak, writes Andrew T. Price-Smith, “may...generate the construction of images of the “other,” resulting in stigmatization, persecution of minorities, and even diffuse inter-ethnic or inter-class violence.”⁴⁵⁰ As they attempt to cope with the horrors of an epidemic, citizens may blame one another for the outbreak and violence may erupt. Disease can also limit the ability of a state to control its constituents, which can force it to impose strict measures on citizens; and disease may reduce the services a state can provide to its populace, which can limit its legitimacy. Citizens dissatisfied with the state may therefore protest, with possible outcomes including rioting, civil-police violence, and even civil war.⁴⁵¹

Foreign Relations: Epidemics affect relations amongst states in a number of ways. The economic and social fallout from a contagious disease may affect trade and social interactions amongst states, perhaps limiting their ability to cooperate and find solutions to disagreements and collective action problems. States may similarly take punitive action against one another if they blame the outbreak of a disease on the ineptitude or irresponsibility of governments other than their own. Epidemics may also directly cause conflict amongst states if they are perceived as caused by a biological attack carried out by a state or a rogue group within a state; and epidemics may indirectly cause conflict amongst states by weakening the economies and militaries of some states more so than those of other states in the international system, which can alter the balance of power in the global community and may lead to war.⁴⁵²

⁴⁵⁰ *Ibid.*, 20.

⁴⁵¹ *Ibid.*, 20-21, 204-205.

⁴⁵² Peterson, “Epidemic Disease and National Security,” 55-64; and Price-Smith, *Contagion and Disease*, 21-22, 204-206.

U.S. leaders, as this section has detailed, thus have security incentives to create measures to protect American citizens from disease carried by immigrants.

Epidemics and U.S. Immigration Policies

U.S. leaders through the country's history have devised four broad immigration policy measures to protect against disease, which are creating laws that condition or prevent the entrance of foreigners suspected of carrying specified contagions, the isolation or quarantining of arriving immigrants thought to host dangerous disease, delegating the president with authority to stop all immigration in the event of an epidemic abroad, and enacting legislation that broadly restricts entrance to all immigrants to guard against a contagious disease. This section focuses disproportionately on the two former methods, since they have constituted the primary ways that leaders have sought to protect against contagious disease.

Conditioning/Restricting Entrance to Foreigners Carrying Disease

American officials from the colonial era through the present day have devised laws that condition or disallow foreigners carrying diseases perceived dangerous entrance to the country.

Colonial Legislation: These types of laws were first enacted during the colonial period when ships often "arrived in port with half of their passengers sick," forcing cities such as Philadelphia to set up a "pest-house provided at public expense" to shield residents from infectious disease.⁴⁵³ Colonial governments sought to protect against the infirm by passing laws that required the reporting of arriving immigrants and the screening of them for disease, disallowed foreigners with diseases considered dangerous from entering their territory,

⁴⁵³ Emberson Edward Proper, *Colonial Immigration Laws: A Study of the Regulation of Immigration by the English Colonies in America* (New York: Columbia University Press, 1900), 52.

required boat masters or citizens to post bonds for the arriving sick to protect against public relief expenses, and obligated ship captains to return sick passengers to their ports of departure.⁴⁵⁴ The titles of several of these laws provide a sense of their purpose, with a 1756 Massachusetts colony act entitled, "An Act to Prevent Charges Arising by Sick, Lame or Otherwise Infirm Persons, not belonging to this Province, Being Landed and Left Within the Same," and a 1740 Delaware colony act entitled, "An Act Imposing a Duty on Persons Convicted of Heinous Crimes and to Prevent Poor and Impotent Persons being Imported."⁴⁵⁵ As these titles suggest, the colonies enacted measures to protect citizens from disease, exemplified by a 1751 Massachusetts law in this area that was created because during travel immigrants "often contract mortal and contagious distempers, and thereby occasion not only the death of great numbers of them in their passage, but also by such means on their arrival in this province, those who may survive, may be so infected as to spread the contagion, and be the cause of the death of many others."⁴⁵⁶

Local and State Legislation: U.S. local and state legislatures throughout the late eighteenth and nineteenth centuries devised the same types of measures as the colonial governments to safeguard citizens from contagious disease.⁴⁵⁷ For example, a Massachusetts law permitted officials to order anyone who arrived from a place infected with "small-pox or

⁴⁵⁴ E.P. Hutchinson, *Legislative History of American Immigration Policy, 1798-1965* (Philadelphia, PA: University of Pennsylvania Press, 1981), 390-393; and Proper, *Colonial Immigration Laws*, 29-30.

⁴⁵⁵ Quoted in Hutchinson, *Legislative History*, 390-392. The former act declared that "no master or commander of any ship or vessel whatsoever, coming into, abiding in or going forth of any port, harbour or place within this province, shall cause or suffer to be landed or put on shoar within the same, any sick or otherwise impotent and infirm person, not being an inhabitant of this province...unless the consent of the selectmen of the town where such sick or infirm person shall be landed be first had and obtained therefor, the same to be signified in writing, under their hands; nor unless security be first given, if demanded, to the satisfaction of such selectmen, for indemnifying and keeping such town free from any charge that may arise for the support or relief of the persons so landed." Quoted in *Ibid.*, 391.

⁴⁵⁶ "An Act to Regulate the Importation of Germans and Other Passengers Coming to Settle in This Province, February 6, 1751," in *Immigration: Select Documents and Case Records*, ed., Edith Abbott (Chicago, IL: The University of Chicago Press, 1924), 6.

⁴⁵⁷ These laws similarly mandated the reporting and health inspection of immigrants upon entry, the exclusion of those with dangerous disease, and the posting of bonds or security of sick people likely to become a public charge. Hutchinson, *Legislative History*, 397.

other malignant temper” to depart within two hours or “be removed”; a New York law allowed leaders to remove travelers suspected of carrying disease from the state; and Connecticut, Delaware, and Pennsylvania laws permitted leaders to disallow trade with those carrying disease.⁴⁵⁸ Leaders passed these laws to protect Americans, exemplified by an immigration commissioner in New York, the location that most foreigners arrived during this period, declaring that his state's measures allow for the "protection of the whole country from pestilential scourges" and defend "the interest of the whole Union, by efficiently...preventing the spread of the diseases imported by [immigrants] over the country at large."⁴⁵⁹

Federal Legislation: Issues involving disease and immigration were primarily the domain of local and state governments during the first hundred years of the country, but after a series of epidemics in the late nineteenth century the federal government began to increasingly institute measures in the area.

For example, federal leaders, after decades of jurisdictional debate with state officials over immigration regulation, included a stipulation in the Act of March 3, 1891 that for the first time disallowed entrance to foreigners “suffering from a loathsome or dangerous contagious disease.”⁴⁶⁰ Events preceding its creation indicate that it was devised to protect against the security risks of contagious disease, with, for example, several notable epidemics after the Civil War contributing to increased agitation for federal action in the area, such as the 1878 yellow fever outbreak which killed more than 5,000 people, disrupted commerce in the south, prompted armed men to stop passengers from getting off of trains to prevent disease transmission, and led to residents dying of exposure and starvation as they attempted to flee the contagion; and by the 1888 yellow fever epidemic which killed nearly 5,000

⁴⁵⁸ Gerald L. Neuman, “The Lost Century of American Immigration Law (1776-1875),” *Columbia Law Review* 93 (December 1993): 1861, 1861n. See also Hutchinson, *Legislative History*, 397-400.

⁴⁵⁹ Friedrich Kapp, *Immigration and the Commissioners of Emigration of the State of New York* (New York: The Nation Press, 1870), excerpted in *Immigration: Documents and Case Records*, ed., Abbott, 166-167.

⁴⁶⁰ Immigration Act of March 3, 1891, 26 Stat. 1084, Section 2.

people, caused a half-million dollars of damage in just Jacksonville, Florida, forced officials to ration food and set up refugee camps, and halted commerce.⁴⁶¹

The political debate regarding epidemics and immigration during the era indicates that the 1891 act was designed to protect residents. Perhaps most notably, the Supreme Court asserted in an important 1893 immigration court decision, *Nishimura Eiku v United States*, that the federal government possessed the right to turn away immigrants for national security. "It is an accepted maxim of international law," the majority statement read, "that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe."⁴⁶²

Leaders have subsequently factored similar provisions within nearly every major immigration law, including the Immigration Act of 1917, the Immigration and Nationality Act of 1952, the Immigration and Nationality Act of 1965, and the Immigration and Nationality Act of 1990.⁴⁶³ Under provisions within contemporary law, most immigrants are inspected abroad and at port of entry and foreigners found with specified diseases such as smallpox and tuberculosis are not permitted entrance into the U.S.⁴⁶⁴ It also prohibits the entrance of foreigners lacking vaccinations, such as those for diphtheria, hepatitis B, influenza type B,

⁴⁶¹ On increasing pressure for Congress to regulate immigration to prevent disease spread during the 1880s see Hutchinson, *Legislative History*, 82-83. On the 1878 and 1888 yellow fever epidemics, Felice Batlan, "Law in the Time of Cholera: Disease, State Power, and Quarantines Past and Future," *Temple Law Review* 80 (2007): 65; Margaret C. Fairlie, "The Yellow Fever Epidemic of 1888 in Jacksonville," *The Florida Historical Quarterly* 19 (October 1940): 95-108; and Margaret Humphreys, *Yellow Fever and the South* (New Brunswick, NJ: Rutgers University Press, 1992).

⁴⁶² *Nishimura Eiku v United States*, 142 U.S. 651 (1892).

⁴⁶³ See Hutchinson, *Legislative History*, 417-419.

⁴⁶⁴ Foreigners are not permitted entrance into the U.S. if they have the following diseases: chancroid, cholera, diphtheria, gonorrhea, granuloma inguinale, infectious leprosy, lymphogranuloma venereum, plague, smallpox, active and infectious tuberculosis, infectious syphilis, viral hemorrhagic fevers, yellow fever, and "[i]nfluenza caused by novel or reemergent influenza viruses that are causing, or have the potential to cause, a pandemic." Ruth Ellen Wasem, "Immigration Policies and Issues on Health-Related Grounds for Exclusion," CRS Report for Congress (Washington, DC: Congressional Research Service, 2011), 3-4.

measles, the mumps, pertussis, polio, rubella, and tetanus.⁴⁶⁵ Thus, the federal government, responding to the security risks of epidemics during the nineteenth century, have restricted entry ever since to those carrying contagious diseases to safeguard the public.

Isolation and Quarantine

Isolation and quarantine are methods that have been used by world leaders to protect against contagious disease since ancient times.⁴⁶⁶ They were frequently employed by American officials during the seventeenth through early twentieth centuries, but they have not been used in the country on a large-scale in recent decades because modern medicine and sanitation methods have curbed the number of epidemics in developed countries, though their use has been increasingly reviewed in recent years with the rise of modern bioterrorism. Quarantine refers to the "compulsory physical separation, including restriction of movement, of populations or groups of healthy people who have been potentially exposed to a contagious disease, or to efforts to segregate these persons within specified geographic areas," whereas isolation signifies "the separation and confinement of individuals known or suspected (via signs, symptoms, or laboratory criteria) to be infected with contagious disease to prevent them from transmitting disease to others."⁴⁶⁷

Colonial Legislation: Isolation and quarantine were the primary methods used by colonial and later American local and state officials to protect against contagious disease carried by immigrants prior to the twentieth century.⁴⁶⁸ The Massachusetts Bay Colony, for example, instituted a quarantine measure in 1647 to stop passengers arriving from Barbados

⁴⁶⁵ *Ibid.*, 2-3.

⁴⁶⁶ Batlan, "Life in the Time of Cholera," 62.

⁴⁶⁷ Joseph Barbera, Anthony Macintyre, Larry Gostin, Tom Inglesby, Tara O'Toole, Craig DeAtley, Kevin Tonat, and Marci Layton, "Large-Scale Quarantine Following Biological Terrorism in the United States: Scientific Examination, Logistic and Legal Limits, and Possible Consequences," *JAMA* 286 (December 5, 2001): 2712.

⁴⁶⁸ Neuman, "Lost Century of American Immigration Law," 1860.

from infecting its populace with the plague.⁴⁶⁹ The purpose of measures such as these were to safeguard residents from disease, as exemplified by the Pennsylvania Assembly and Governor lamenting that their state's quarantine procedures were failing to "prevent the spreading of infectious Distempers among Us, the Effects of which the City of Philadelphia has lately felt, altho' we think a due Execution of Laws [the isolation of sick passengers] might in part have prevented them." They called for additional measures to assist with "Guarding against the Dangers" of sick immigrants and "to prevent the future importation of Diseases into this City, which has more than once felt the fatal Effects of them."⁴⁷⁰

Local and State Legislation: Similar to the colonial legislatures, local and state governments from the founding of the country through the early twentieth century also used isolation and quarantine to safeguard residents from contagions. For example, an 1808 Boston law called for vessels arriving from "tropical ports in the months of May through October (when threats of yellow fever were greatest) to be quarantined on arrival for three days or until twenty-five days had passed since departure." Similarly, a New York law gave the state's governor and New York City mayor the authority starting in 1784 to quarantine immigrants based upon port doctor reports; and many U.S. city and state laws during the nineteenth century mandated the erection of quarantine centers and inspectors at ports.⁴⁷¹

Leaders devised these measures to protect citizens from disease, evidenced by a Justice asserting in a Supreme Court case in 1886 that a state possessed the right to administer quarantines because, "For the period of nearly a century since the government was organized Congress has passed no quarantine law, nor any other law to protect the inhabitants of the United States against the invasion of contagious and infectious diseases

⁴⁶⁹ Batlan, "Law in the Time of Cholera," 63; and Elizabeth C. Tandy, "Local Quarantine and Inoculation for Smallpox in the American Colonies (1620-1775)," *American Journal of Public Health* 13 (1923): 203.

⁴⁷⁰ *Minutes of the Provincial Council of Pennsylvania*, January 5-8, 1741, in *Historical Aspects of the Immigration Problem: Select Documents*, ed. Edith Abbott (Chicago, IL: The University of Chicago Press, 1926), 550-551.

⁴⁷¹ Batlan, "Law in the Time of Cholera," 64.

from abroad; and yet during the early part of the present century, for many years the cities of the Atlantic Coast, from Boston and New York to Charleston, were devastated by the yellow fever." He explained, however, that throughout this period the states sought to safeguard Americans in this area, noting that "during all this time the Congress of the United States never attempted to exercise this or any other power to protect the people from the ravages of these dreadful diseases" because "no doubt they believed that the power to do this belonged to the States."⁴⁷²

Federal Measures: Local and state bodies primarily regulated isolation and quarantine measures for the first hundred years of the country, but after a series of devastating epidemics during the late nineteenth century the federal government began to pass laws that gave it a larger role in the area. A system of shared power amongst local, state, and federal bodies regarding isolation and quarantine oversight arose during this period that remains in place today, with federal officials primarily having jurisdiction over epidemics across state lines and local and state governments possessing authority over epidemics within state lines.

Comments by federal leaders during the late nineteenth century indicate that the national government assumed greater responsibility in this area to protect Americans. For example, President Benjamin Harrison, with a worldwide cholera pandemic threatening the U.S., signed an executive order in 1891 mandating a twenty-day quarantine over the New York port to protect against the disease because it posed a "direct menace to public health."⁴⁷³ Similarly, Senator Charles Sumner, the influential Civil War and Reconstruction

⁴⁷² He also noted that, "In later times the cholera has made similar invasions, and the yellow fever has been unchecked in its fearful course in the Southern Cities, New Orleans especially, for several generations. During all this time the Congress of the United States never attempted to exercise this or any other power to protect the people from the ravages of these dreadful diseases." *Morgan's Steamship Co. v. Louisiana Bd. of Health*, 118 U.S. 455, 466 (1886), quoted in Sidney Edelman, "International Travel and our National Quarantine System," *Temple Law Quarterly* (1963-1964): 32.

⁴⁷³ President Harrison's statement regarding the quarantine declared that, "It having been officially declared that cholera is prevailing in various portions of Russia, Germany, and France, and at certain ports in Great Britain, as well as in Asia, and it having been made to appear that immigrants in large numbers are coming into the United States from the infected districts aforesaid, and that they and their personal effects are liable to introduce

leader, called for more vigorous federal action against contagious disease "to secure the public health." He argued that Congress was not doing enough to protect Americans and referring to the cholera he asked his fellow Senators, "Can we confess that a great Government of the world must fold its arms and see a foreign enemy, for such it is, crossing the sea and invading our shores and we [are] unable to go forth to meet it? I do not believe that this transcendent Republic is thus imbecile."⁴⁷⁴

The U.S. has not used isolation or quarantine on a large-scale for over eighty years, but government agencies have carefully reviewed their use since the 9/11 terrorist attacks, the 2001 anthrax-mailings, the 2003 bioterrorist subway attacks in Japan, and the recent occurrence of contagious diseases such as SARs in developed nations.⁴⁷⁵ American leaders have done so because they fear the dangers posed by bioterrorism and epidemics, exemplified by a United States Commission on National Security warning that "attacks against American citizens on American soil, possibly causing heavy casualties, are likely over the next quarter century," cautioning that "we must plan ahead" for a "major attack involving

cholera into the United States, and that vessels conveying them are thereby a direct menace to the public health, and it having been further shown that under the laws of the several States quarantine detentions may be imposed upon these vessels a sufficient length of time to insure against the introduction of contagious diseases, it is hereby ordered that no vessel from any foreign port carrying immigrants shall be admitted to enter at any port of the United States until said vessel shall have undergone a quarantine detention of twenty days (unless such detention is forbidden by the laws of the State or the regulations made thereunder) and of such greater number of days as may be fixed in each special case by the State authorities." Surgeon General Walter Wyman, approved by President Benjamin Harrison and Secretary of the Treasury Charles Foster, "Quarantine Restrictions upon immigration to aid in the prevention of the introduction of cholera into the United States," September 1, 1892, in *Annual Report of the Supervising Surgeon-General of the Marine-Hospital Service of the United States, 1892* (Washington: Government Printing Office, 1893), 46-47.

⁴⁷⁴ Senator Charles Sumner, May 11, 1866, 39th Congress, 1st Session, *Congressional Globe* (Washington, D.C.: Government Printing Office, 1866), 2549. See also Michael Les Benedict, "Contagion and the Constitution: Quarantine Agitation from 1859 to 1866," *Journal of the History of Medicine* 25 (April 1970): 192.

⁴⁷⁵ See, for example, Mark A. Rothstein, M. Gabriela Alcalde, Nanette R. Elster, Mary Anderlik Majumder, Larry I. Palmer, T. Howard Stone, and Richard E. Hoffman, *Quarantine and Isolation: Lessons Learned from Sars: A Report to the Centers for Disease Control and Prevention* (Louisville, KY: Institute for Bioethics, Health Policy and Law, University of Louisville School of Medicine, 2003).

contagious biological agents," and urging that steps need to be taken to protect the U.S. against bioterrorism and weapons of mass destruction.⁴⁷⁶

Special Measures--Presidential Power to Stop Immigration to Protect Against a Contagion

The federal government passed a law in the late nineteenth century that remained on the books for nearly fifty years which gave the President the power to suspend immigration if an epidemic abroad threatened U.S. security.⁴⁷⁷ It was created in response to the 1892 cholera pandemic, which devastated parts of Asia, Europe, Persia, and Russia, resulted in seven ships arriving in New York Harbor with passengers infected with cholera, and caused panic amongst Americans in port states.⁴⁷⁸ Comments by leaders indicate that it was devised to protect American security. For example, Secretary of State John W. Foster declared that improved federal measures were needed to protect against contagious disease coming from abroad "for the preservation of public health" and "as a precautionary measure against the introduction of contagious disease which is epidemic, or threatening to become epidemic, in other parts of the world." He stated that federal regulation of immigration for this purpose constitutes "the

⁴⁷⁶ United States Commission on National Security/21st Century, *Road Map for National Security: Imperative for Change: The Phase III Report of the United States Commission on National Security/21st Century* (Washington, DC: February 15, 2001), 10-11, available at, <http://govinfo.library.unt.edu/nssg/PhaseIIIFR.pdf>, accessed May 12, 2011.

⁴⁷⁷ Hutchinson, *Legislative History*, 417. Many leaders proposed a one-year suspension of all immigration, but Congress instead adopted the Act of February 15, 1893 (27 Stat. 449) that gave the President power to prohibit "the introduction of persons and property" if an epidemic abroad jeopardized the safety of Americans. The law was repealed in July, 1944. *Ibid.*, 417. The act read, "That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States...the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary." Quoted in Hutchinson, *Legislative History*, 107.

⁴⁷⁸ On the cholera pandemic, Batlan, "Law in the Time of Cholera"; and Howard Markel, *Quarantine! East European Jewish Immigrants and the New York City Epidemics of 1892* (Baltimore, MD: The John Hopkins University Press, 1997).

exercise of the police power of the nation, or, as it is called by the publicists, the right of self-preservation of public health."⁴⁷⁹

Part 2: Ethnic Violence and U.S. Immigration Policy

America is often considered the great "melting pot" and a "nation of immigrants" and while it has peacefully assimilated large numbers of diverse peoples for centuries this process has also at times erupted into devastating violence. This is the case because immigration can change the cultural, demographic, ethnic, and religious composition of a nation, which in turn can lead to friction amongst groups within it and possibly even domestic riots and civil war. This part of the chapter details the relationship between ethnic violence and U.S. immigration policy by providing background and historical information on ethnic violence, specifying the link between ethnic violence and American security, and then by identifying the types as well as historical examples of U.S. immigration policies designed to prevent ethnic violence.

Ethnic Violence in Historical Perspective

Ethnic, racial, and religious groups have existed since ancient times and while relations amongst them are often peaceful their interactions have at times erupted into devastating violence.⁴⁸⁰ For example, civil wars were more common than international wars

⁴⁷⁹ Foster also considered the consequences of federal action in this area on the country's foreign policy interests, noting that, "Other nations, however, could scarcely question its existence [federal measures regarding epidemics] in the imminent danger of the introduction of cholera into the United States with immigrants during the coming year." "I am in the opinion, therefore, that [legislation in this area] which this Government deems it wise to enact in a reasonable way for its own protection is not in conflict with any treaty stipulations into which the United States has entered." John W. Foster, Senate Executive Document No. 25, 52nd Congress, 2nd Session, in *The Executive Documents of the Senate of the United States for the Second Session of the Fifty-Second Congress and the Special Session of the Senate Convened March 4, 1893*, 9 vols. (Washington, DC: Government Printing Office, 1893), 2:1-11.

⁴⁸⁰ "Ethnic group" is used here to denote "groups based on all such indicia of ascriptive differences," such as "communal," "racial," "religious," "linguistic," or "tribal." Donald L. Horowitz, *The Deadly Ethnic Riot* (Berkeley, CA: University of California Press, 2001), 1n.

during the twentieth century, with five of the ten deadliest of these conflicts (some of which were accountable for nearly 250,000 lives) fought over ethnic grievances.⁴⁸¹ Similarly, a study found that during the 1990s there were more than fifty ongoing civil conflicts and only two international armed conflicts, including several high-profile ethnic conflicts and genocides requiring international peace-keeping missions, such as ones in Burundi, India, Rwanda, the former Yugoslavia, and the former Zaire.⁴⁸²

In regard to the U.S., ethnic conflict has been common throughout the country's history from the colonial era to the present day.⁴⁸³ Strife amongst ethnic and racial groups has frequently led to violence, with one scholar, for example, estimating that more than 4,000 riots have occurred through the country's history, many of which stemming from ethnic grievances.⁴⁸⁴ And these conflicts have at times been quite bloody, accounting, for example, for over 5,000 lynchings between 1882 and 1937.⁴⁸⁵ Federal and state governments have repeatedly assembled commissions to examine their causes because, as one scholar notes, "the frequency of race riots defies any attempt to describe them as anomalies."⁴⁸⁶

⁴⁸¹ Stuart J. Kaufman, "Ethnic Conflict," in *Security Studies: An Introduction*, ed., Paul D. Williams (London, UK: Routledge, 2008), 201.

⁴⁸² Margareta Sollenberg and Peter Wallensteen, "Armed Conflict, 1989-98," *Journal of Peace Research* 36 (September 1999): 593-606, cited in Kaufman, "Ethnic Conflict," in *Security Studies*, ed., Williams, 201; and Myron Weiner and Michael Teitelbaum, *Political Demography, Demographic Engineering* (New York: Berghahn Books, 2001), 21-22.

⁴⁸³ See, for example, Paul A. Gilje, *Rioting in America* (Bloomington, IN: Indiana University Press, 1996); Willard A. Heaps, *Riots, U.S.A., 1765-1965* (New York: The Seabury Press, 1966); and Walter Rucker and James Nathaniel Upton, eds., *Encyclopedia of American Race Riots*, 2 vols. (Westport, CT: Greenwood Press, 2007). A small list of ethnic riots in U.S. history include the Atlanta, Georgia riots of 1906 and 1967; the Augusta, Georgia riot of 1970; the Beaumont, Texas riot of 1943; the Biloxi Beach, Mississippi riot of 1960; the Boston, Massachusetts riots of 1967, 1975 and 1976; the Brooklyn, New York riot of 1964; the Brownsville, Texas riot of 1906; the Elaine, Arkansas riot of 1919; the Harlem, New York riot of 1935; the Miami, Florida riots of 1980, 1982, 1984, and 1989; the Mobile, Alabama riot of 1943; the New Orleans, Louisiana riot of 1866; the Southwest Missouri riots of 1894-1906; and the Washington, D.C. riots of 1919. For these and many other riots in American history see the entries in Rucker and Upton, eds., *Encyclopedia of American Race Riots*.

⁴⁸⁴ Gilje, *Rioting in America*, 183. On ethnic riots, see Donald L. Horowitz, *The Deadly Ethnic Riot* (Berkeley, CA: University of California Press, 2001).

⁴⁸⁵ Gilje, *Rioting in America*, 183.

⁴⁸⁶ Rucker and Upton, "Introduction," in *Encyclopedia of American Race Riots*, eds., Rucker and Upton, 1:xiv.

As just a few examples, Bacon's Rebellion of 1676 entailed fighting between English settlers and Indians in Virginia, resulting in numerous deaths and the burning of the capital, Jamestown.⁴⁸⁷ The New York City riots of July 1863, constituting one of the worst civil disturbances in the country's history, began when a largely Irish mob attacked black residents and looted stores in retaliation for the Civil War draft and resulted in at least eighteen deaths, thousands of injuries, and approximately \$4 million in property damage.⁴⁸⁸ The Tulsa, Oklahoma riot of 1921 involved "an all-out war" in the Greenwood part of the city, "complete with death squads and incendiaries dropped from airplanes by whites," and took the lives of over two hundred black residents.⁴⁸⁹ More recently, the Los Angeles riots of 1992 entailed fighting primarily amongst Asians, blacks, Hispanics, and whites and resulted in \$1 billion dollars of property damage, fifty-three deaths, thousands of injuries, approximately 10,000 arrests, and widespread looting.⁴⁹⁰ And many analysts, noting the recent sizeable protest marches in major cities in response to proposed immigration reform, predict that American ethnic strife will increase in coming years as the country assimilates a growing Latino population.

Immigration, Ethnic Violence, and U.S. Security

Immigration can alter the cultural, demographic, ethnic, and religious composition of a nation, which in turn can spawn hostility amongst groups within it and possibly cause domestic riots and even civil war. As Christopher Rudolph explains, "Mass migration

⁴⁸⁷ Gilje, *Rioting in America*, 17-18; and Rucker and Upton, "Introduction," in *Encyclopedia of American Race Riots*, eds., Rucker and Upton, 1:xiv, xivi.

⁴⁸⁸ Leslie M. Alexander, "New York City Draft Riot of 1863," in *Encyclopedia of American Race Riots*, eds., Rucker and Upton, 2:465-474; and Rucker and Upton, "Introduction," in *ibid.*, 1:xivii, xiviii.

⁴⁸⁹ Alfred L. Brophy, "Tulsa (Oklahoma) Riot of 1921," in *Encyclopedia of American Race Riots*, eds., Rucker and Upton, 2: 645-655; and Rucker and Upton, "Introduction," in *Encyclopedia of American Race Riots*, eds., Rucker and Upton, 1:l.

⁴⁹⁰ Matthew W. Hughey, "Los Angeles (California) Riots of 1992," in *Encyclopedia of American Race Riots*, eds., Rucker and Upton, 1:376-385; and Rucker and Upton, "Introduction," in *Encyclopedia of American Race Riots*, eds., Rucker and Upton, 1:li.

represents the most viable means of engaging processes that initiate rapid demographic and social changes that can subsequently create perceptions of threat and bring identity issues to the forefront of the political agenda of receiving states."⁴⁹¹ This is the case in large part because changes in the population composition of a polity brought on by immigration can create cultural, economic, and political competition and rifts amongst its members.⁴⁹²

Political Competition: The introduction through immigration of new identity groups in a nation can generate political competition amongst its constituents. New groups in a polity are likely to desire equal political rights and opportunities, such as voting privileges and eligibility for political office, whereas existing groups may be reluctant to share political power and resources with new groups. Ethnic conflict or violence may then result if new groups do not receive the political rights that they seek, especially if they are mistreated by the existing groups in power; or if the groups in power feel threatened by the presence of new political entrants and take action to keep them from gaining power.

Cultural Competition: The arrival of new identity groups within a polity may also create cultural competition amongst its members and "challenge a polity's conception of national identity."⁴⁹³ New groups are likely to desire to see their customs and identities expressed in the society, whereas existing groups are likely to wish for their customs and identities to remain at the center of society. For example, identity groups may disagree over whose native language is spoken in the polity and which customs and traditions are taught to

⁴⁹¹ These types of changes in the population composition, some demographers predict, are particularly likely to "become problematic in political or security terms when they are unusually rapid or are driven by forces seen as unlawful or illegitimate," though even incremental alterations in the population group composition induced by immigration can create strife amongst members of the population over the long-run. Christopher Rudolph, *National Security and Immigration: Policy Development in the United States and Western Europe Since 1945* (Stanford, CA: Stanford University Press, 2006), 26.

⁴⁹² The following sections, "political competition," "cultural competition," and "economic competition," are culled primarily from Milton J. Esman, "Political and Psychological Factors in Ethnic Conflict," in *Conflict and Peacemaking in Multiethnic Societies*, ed. Joseph V. Montville (Lexington, MA: Lexington Books, 1990), 58-59; and Ronald R. Krebs and Jack S. Levy, "Demographic Change and the Sources of International Conflict," in *Demography and National Security*, eds., Myron Weiner and Sharon Stanton Russell (New York: Berghahn Books, 2001), esp. 76-85.

⁴⁹³ Rudolph, *National Security and Immigration*, 26.

children in schools. Ethnic conflict may then result if the new groups are not permitted freedom of expression and resort to violence to gain a voice; or if the existing groups feel threatened by the new group's customs and use force to silence them.

Economic Competition: An influx through immigration of new identity groups within a nation may create economic competition amongst its constituents. A larger population can mean fewer available resources and lower individual living standards for members of a polity, and since most groups prefer for their own members to have access to wealth one group may hold another group culpable for its financial difficulties. Ethnic conflict may then result if new groups resort to violence for economic opportunities; or if existing groups use violence to prevent new entrants from taking jobs or resources. More generally, immigration can lead to overpopulation and poverty which may "produce feelings of frustration and impulses toward aggression," undermine the ability of the state to police and protect its polity, and be misused by elites "to advance their parochial interests by instigating intergroup violence."⁴⁹⁴

Ethnic Violence and U.S. Immigration Policy

U.S. leaders have used three broad immigration policy methods to attempt to prevent ethnic violence, which include preventing the entrance of specified ethnic groups, limiting the number of specified ethnic groups entrance, and the recolonization of ethnic groups.

Exclusion of Ethnic Groups

The passage of the infamous Chinese Exclusion Act of 1882 and related legislation proceeding its enactment served as a strategy to prevent ethnic violence.⁴⁹⁵ This act along

⁴⁹⁴ Krebs and Levy, "Demographic Change and the Sources of International Conflict," in *Demography and National Security*, eds., Weiner and Russell, 77.

⁴⁹⁵ On legislation restricting Chinese immigration, see Mary Coolidge, *Chinese Immigration* (New York: H. Holt and Co., 1909); Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill: University

with related legislation banned the entrance of nearly all Chinese nationals for over sixty years until 1943 and marked one of the first times that the federal government intervened with immigration. Chinese citizens started coming to the country in large numbers in 1848 following the Gold Rush, and although their labor was initially welcomed, many Californians wanted to ban emigration from China in the 1870s as their nationals arrived on the west coast in increasing numbers. This legislation has been repeatedly explained by scholars as based on xenophobia, and while comments by officials who formulated the measures are undeniably racist, an examination of events transpiring during the period as well as leader's remarks on the laws indicate that closely tied to their nativism is concern over widespread ethnic conflict. For example, deadly riots and violence occurred amongst Chinese and white residents preceding federal measures restricting Chinese immigration. Mary Coolidge, the prominent Chinese scholar, explains that prior to the 1882 law deteriorating ethnic relations led to "a harvest of hoodlumism, riot and arson, such as even San Francisco had never seen before," and violence was not limited to just this city, reflected by vicious riots in Rock Springs, Wyoming and Tacoma and Seattle, Washington amongst Chinese and white residents that left dozens of people dead, many more critically injured, and widespread property damage.⁴⁹⁶

Leaders were acutely aware of these types of incidents and the potential for more pervasive ethnic violence. An examination of congressional debate on the Chinese issue—the same evidence used by scholars who posit a xenophobic explanation for the measures—indicates that leaders feared a worsening of ethnic violence and as a solution sought to stop

of North Carolina Press, 1998); and Lucy Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995).

⁴⁹⁶ Coolidge, *Chinese Immigration*, 115, 188.

immigration from China.⁴⁹⁷ For example, Senator John Miller of California, whose comments are frequently referenced by scholars to support a racist interpretation of the law, provided a reason for the necessity of the legislation that illustrates the intimate connection between xenophobia and fear of ethnic conflict. He argued in favor of a restrictive policy because an "irrepressible conflict" amongst Chinese and white residents "is now upon us in full force, and those who do not see it in progress are not so wise as the men who saw the approach of that other 'irrepressible conflict,'" referring to the Civil War, "which shook the very foundations of American empire upon this continent. If we continue to permit the introduction of this strange people, with their peculiar civilization, until they form a considerable part of our population, what is to be the effect upon the American people and Anglo-Saxon civilization? Can these two forces abide in such close relation without conflict? Is American civilization as unimpressible as Chinese civilization? When the end comes for one or the other, which will be found to have survived?"⁴⁹⁸

Limiting Number of Specified Ethnic Groups Entrance

The 1921, 1924, and 1929 Quota Acts provide an example of U.S. limiting the number of groups permitted entrance into the country in an attempt to reduce ethnic violence. These laws sharply reversed the federal government's *lassiez-faire* "open-door" policy that had been in place since the founding of the country and substantially limited immigration to the U.S. until their repeal with the Immigration in 1965 by setting up an immigration system

⁴⁹⁷ See, for example, the evidence—mostly Congressional debate—used in Coolidge's seminal work in the area to support a primarily xenophobic interpretation of the exclusive legislation. Coolidge, *Chinese Immigration*.

⁴⁹⁸ Senator Miller, February 28, 1882, 47th Congress, 1st Session, *Congressional Record* (Washington, D.C.: Government Printing Office, 1882), 1483. To give just two other examples, consider that in regard to a proposal providing the Chinese with suffrage as a solution to ethnic tension, Senator George Williams of Oregon explained that, "I may be mistaken in my judgement, but I do think that there is somewhat of the peace and safety of the nation involved in this question," and Representative James Johnson of California noted that, "Now mark me as I conclude, you will never enfranchise the Chinaman....I threaten nothing, but I know California; and I know the Army and the Navy is too small to protect the Chinese as voters in that State." Senator Johnson, January 25, 1870, and Senator Williams, July 4, 1870, 41st Congress, 2nd Session, *Congressional Globe* (Washington, D.C.: Government Printing Office, 1870), 756, 5158.

based on the “percentage quota principle,” which in its final form limited the number of immigrants admitted to the U.S. from any country to two percent of the number of people from that nation who were living in America according to the 1890 census.⁴⁹⁹ The effect of the legislation was to severely restrict immigration to the country, as reflected in that the U.S. admitted approximately 650,000 foreigners in 1921, but only eight years later, even before the Depression further slowed migration, the country only admitted around 150,000 immigrants.⁵⁰⁰ For the decade from 1930 to 1940, immigration to the U.S., in both absolute terms and as a percentage of total population, reached its lowest level ever recorded.⁵⁰¹

Many scholars have concluded that leaders formed the quota acts for xenophobic reasons, and while comments by officials regarding the legislation are undeniably racist, what is less recognized by interpreters of the laws is that intricately tied to many leaders' xenophobic commentaries is a fear that the country could not continue to assimilate so many different immigrant groups without domestic insecurity.⁵⁰² While immigrants arrived primarily from northwestern Europe in the nineteenth century they began to increasingly come from a more diverse set of areas in the decades prior to the quota acts. As just a few examples, the number of Italian immigrants rose from 651,893 for the 1891-1890 decade to 2,045,877 for the 1901-1910 decade; the number of immigrants coming from Asia rose from

⁴⁹⁹ Lemay, *Guarding the Gates*, 118.

⁵⁰⁰ The legislation also disallowed the arrival of those immigrants ineligible for citizenship, which included primarily those from Asia. It also established a visa system to enforce its provisions, and subsequent legislation, such as the Border Patrol Act of 1925, set up more sophisticated border regulation, primarily to control unauthorized immigration from Mexico. Michael Lemay and Elliott Robert Barkan, eds., *U.S. Immigration and Naturalization Laws and Issues* (Westport, Conn.: Greenwood Press, 1999), 129; John Higham, *Strangers in the Land, Patterns of American Nativism 1860-1925* (New Brunswick: Rutgers University Press, 1955), 312; Michael C. Lemay, *Guarding the Gates: Immigration and National Security* (Westport, CT: Praeger Security International, 2006), 112-113; and Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (Cambridge, MA: Harvard University Press, 2006), 243-244.

⁵⁰¹ These statistics are taken from Lemay, *Guarding the Gates*, 112-113; and Zolberg, *A Nation by Design*, 243-244.

⁵⁰² Seminal works on the role of xenophobia in the quota acts are John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick, NJ: Rutgers University Press, 2002 [1955]); and Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004).

69,942 for the 1891-1900 decade to 323,543 and 247,236 for the 1901-1910 and 1911-1920 decades; and the number of immigrants arriving from Africa rose from 857 to 7,368 and 8,433 for the 1901-1910 and 1911-1920 decades.⁵⁰³

U.S. leaders took steps to assimilate the foreign born during this period, such as through setting up civic organizations, offering classroom instruction to assist immigrants with acclimating to American life, providing welcoming receptions for newly naturalized citizens, and passing state legislation that financed these efforts.⁵⁰⁴ Nevertheless, numerous occurrences of violence amongst ethnic groups occurred. For example, Germans, especially during WWI, frequently had their possessions stolen and were even tar-and-feathered and whipped by other ethnic groups; and immigrant workers, exposed to harsh and often unfair working conditions, led several strikes during the period which were frequently put down with “a good swat on the jaw.”⁵⁰⁵ Retaliating against these types of attacks, several anarchist groups, most of which consisted largely of immigrants, carried out numerous attacks (primarily bombings) on U.S. infrastructure and leaders, which aroused widespread public fear of a revolution similar to the one then occurring in Russia.⁵⁰⁶ The Red Scare, as this hysteria was called, represented the extent to which leaders were unable to peaceably commingle the native and foreign born.⁵⁰⁷

⁵⁰³ B.R. Mitchell, *International Historical Statistics: The Americas, 1750-2000*, 5th ed. (New York: Palgrave MacMillan, 2003), 54, 58. And while most contemporary Americans, living in an age of rapid globalization, high-speed travel, and widespread availability of information sharing technologies, are accustomed to residing amongst people perceived as “different,” many early twentieth century Americans were for the first time (because of immigration) encountering people on a large scale who at the time were perceived as radically “different.”

⁵⁰⁴ Higham, *Strangers in the Land*, 236-242.

⁵⁰⁵ *Ibid.*, 209, 226.

⁵⁰⁶ On anarchists see Paul Avrich, *Sacco and Vanzetti: The Anarchist Background* (Princeton, N.J.: Princeton University Press, 1991); Corinne Jucker, *The Black Flag of Anarchy: Antistatism in the United States* (New York: Charles Scribner’s Sons, 1968); Lemay, *Guarding the Gates*, 88, 103, 106-107; James J. Martin, *Men Against the State: The Expositors of Individualist Anarchism in America, 1827-1908* (DeKalb, IL: The Adrian Allen Associates, 1953); and William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933* (Cambridge, Mass: Harvard University Press, 1963).

⁵⁰⁷ Higham, *Strangers in the Land*, 222-233.

Perhaps the activities of no group more embodied this failure than the Invisible Empire of the Knights of the Ku Klux Klan, which under the leadership of a new Imperial Wizard arose with reinforced vigor after WWI and perhaps created a perception of pervasive ethnic conflict amongst Americans. Intimidation was the main instrument of the Klansman, most infamously through burning a cross near the home of an “enemy,” but they also used violence (tar-and-feathering, flogging, and raids were common tactics of the Klan) to carry out their agenda, which in turn led to retaliatory attacks (such as bombing Klan offices and stoning Knights) by members of the persecuted groups.⁵⁰⁸ These sorts of attacks, both those by the Klan and retaliating groups, reached a high point in the early 1920s, ensuring that leaders were aware of ethnic violence as they devised the quota acts.⁵⁰⁹

Officials frequently cited ethnic strife as a reason for immigration reform during congressional deliberation—a source commonly used by scholars to support xenophobic interpretations of the acts.⁵¹⁰ For example, Representative John Box of Texas, a staunch restrictionist and a member of the House Immigration Committee whose congressional comments are often referenced for his racist motivations in helping to devise the quota system, explained “that unless America is preserved” through limiting immigration with the quota system “natives, older immigrants, and newcomers will be involved in a common calamity.” For one, he feared that the ethnic groups “who are coming or preparing to come from Mexico and Europe have not been trained in the schools of order but have stewed in disorder—the disorder of war, the disorder of persecution, the disorder of revolution, the

⁵⁰⁸ On the Klan, *ibid.*, 286-293.

⁵⁰⁹ A congressman, for example, stated that “the melting pot had failed in its function” and that U.S. leaders had failed at fusing the “various elements in the body politic into one ingot of purpose.” Representative Melville Kelly of Pennsylvania, December 11, 1920, 66th Congress, 3rd Session, *Congressional Record* (Washington, D.C.: Government Printing Office, 1921), 245.

⁵¹⁰ In addition to the Box comments, see, for example, Representative William Vaile of Colorado, December 9, 1920, 66th Congress, 3rd Session; Representative John Kleczka of Wisconsin, December 10, 1920, 66th Congress, 3rd Session; and Melville Kelly of Pennsylvania, December 11, 1920, 66th Congress, 3rd Session in, *Congressional Record* (Washington, D.C.: Government Printing Office, 1921), 139, 187, 245.

disorder of anarchy." Second, Box worried that a large uptick of new immigrants "would de-Americanize America" and create "a population or citizenship with divided allegiance—a hyphenated population, a hyphenated citizenship." He declared that, "A house divided against itself can not stand" and noted (likely referencing conditions on the continent prior to WWI) that "Europe has been divided against itself since before Romulus built the little wall around the village on the Tiber." And third, he feared that because new immigrant ethnic groups often work as common laborers it "tends to separate America into an under and upper world, divided by a very thin crust, above which are those who care nothing for the crowd beneath, while those below hate and seek to destroy those above. Under such an industrial status America as we know it would cease to be, but the status would not continue, but would develop into Russian chaos."⁵¹¹

Recolonization

Societies headed by prominent American leaders during the eighteenth and nineteenth centuries arranged for the recolonization of freed slaves in distant lands out of fear of ethnic conflict amongst whites and blacks.⁵¹²

For example, the American Colonization Society, the most successful of these organizations at achieving this goal, was founded by prominent political leaders of the era—Henry Clay, John Randolph, and Richard Bland Lee—and assisted with setting up the colony of Liberia in 1821 on the west coast of Africa for manumits, which by 1867 had received more

⁵¹¹ Representative John Box, December 10, 1920, 66th Congress, 3rd Session, *Congressional Record* (Washington, D.C.: Government Printing Office, 1921), 172-174.

⁵¹² On these societies and recolonization efforts more generally, see A Library of Congress Resource Guide for the Study of Black History & Culture, "The African-American Mosaic: Colonization," available at, <http://www.loc.gov/exhibits/african/afam002.html>, accessed, May 28, 2011; Henry N. Sherwood, "Early Negro Deportation Projects," *Mississippi Valley Historical Review* 2 (March 1916): 484-508; Early Lee Fox, *The American Colonization Society 1817-1840* (Baltimore, 1919); G.B. Stebbins, *Facts and Opinions Touching the Real Origin, Character, and Influence of the American Colonization Society: Views of Wilberforce, Clarkson, and Others, and Opinions of the Free People of Color of the United States* (New York: Negro Universities Press, 1969 [1853]); P.J. Staudenraus, *The African Colonization Movement, 1816-1865* (New York: Columbia University Press, 1961); and Zolberg, *A Nation by Design*, 120-124.

than thirteen thousand black American emigrants.⁵¹³ The federal government indirectly supported the societies' recolonization efforts—for example, it stationed a naval squadron near Africa and authorized the President to return slaves to the continent—and state legislatures directly supported the societies' recolonization efforts—for example, Virginia allocated \$30,000 per annum for five years to aid the emigration of freed slaves to Liberia.⁵¹⁴

State and federal leaders backed these societies because they concerned over widespread ethnic violence amongst whites and blacks. White Americans in the south particularly feared slave uprisings (many areas in the region housed more slaves than whites), with planned and successful slave revolts having been common since the colonial era in the Americas and Caribbean. For example, slaves successfully overthrew the French government in Sant-Domingue (now Haiti); Jamaican slaves had attempted revolts in 1730, 1769, and 1776; and American slaves had planned and caused similar upheavals, such as the discovered "Gabrial Plot" in 1801 in Virginia that resulted in upward of thirty-five executions.⁵¹⁵

Leaders saw recolonization as a solution to what they perceived as inevitable ethnic violence. For example, President James Monroe favored colonization at a private meeting with his cabinet in March, 1819 because he feared that manumits were "a class of very dangerous people" who may entice those still in bondage to revolt.⁵¹⁶ Only days before, the federal government had passed "An Act in addition to the acts prohibiting the Slave Trade,"

⁵¹³ Liberia was not a sovereign state or a "bona fide colony" of the U.S. from its creation until 1847 when the Liberian legislature declared it an independent nation. A Library of Congress Resource Guide for the Study of Black History & Culture, "The African-American Mosaic: Colonization."

⁵¹⁴ *Ibid.*

⁵¹⁵ See Tim Matthewson, *A Proslavery Foreign Policy: Haitian-American Relations During the Early Republic* (Westport, CT: Praeger, 2003); Walter Rucker, *The River Flows On: The River Flows On: Black Resistance, Culture, and Identity Formation in early America* (Baton Rouge, LA: Louisiana State University, 2006), 17-119; and Robbie Totten, "National Security and U.S. Immigration Policy, 1776-1790," *Journal of Interdisciplinary History* 39 (Summer 2008): 58-59.

⁵¹⁶ Quoted in Staudenraus, *African Colonization Movement*, 51, citing Charles F. Adams, ed., *Memoirs of John Quincy Adams: Comprising Portions of his Diary from 1795 to 1848* (Philadelphia, 1875), 4:293.

which provided the President with options to support recolonization societies.⁵¹⁷ Similarly, Thomas Jefferson argued in his *Notes on the States of Virginia*, often cited by scholars as an important political document of the early Republic, that recolonization was the only viable solution to America's white-black conflict. Defending his recommendation, he wrote, "It will probably be asked, Why not retain and incorporate the blacks into the state, and thus save the expence of supplying, by importation of white settlers, the vacancies they will leave? Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one or the other race."⁵¹⁸

Part 3: Crime, Espionage, and Terrorism and U.S. Immigration Policy

Americans commonly link immigrants with crime, drugs, espionage, and terrorism, even though the empirical evidence in regard to this association is mixed, with some studies, for example, indicating that immigrants are no more likely than domestic residents to commit crime and other studies finding that immigrants are modestly more likely to commit felonies than the foreign-born.⁵¹⁹ Nevertheless, at least *some* immigrants do carry out terrorist acts, commit crime, run drugs, and spy, thus requiring that leaders devise policies to protect

⁵¹⁷ For example, the act "authorized the President to send a naval squadron to African waters and establish a government agency on the African coast for resettling victims of the slave trade." Congress allocated \$100,000 to support the legislation. Staudenraus, *African Colonization Movement*, 50-51.

⁵¹⁸ Thomas Jefferson, *Notes on the State of Virginia*, ed. William Peden (Chapel Hill, NC: The University of North Carolina Press, 1955), 138.

⁵¹⁹ On public opinion of immigrants, see, for example, Rita Simon, "Immigration and American Attitudes," *Public Opinion* 10 (July-August, 1987): 47-50; and idem, *Public Opinion and the Immigrant: Print Media Coverage, 1880-1980* (Lexington, MA: Lexington Books, 1985). On the relationship between crime and immigration, see, for example, Steven A. Camarota and Jessica M. Vaughan, "Immigration and Crime: Assessing a Conflicted Issue," Center for Immigration Studies, November 2009; Carl F. Horowitz, *An Examination of U.S. Immigration Policy and Serious Crime* (Washington, DC: Center for Immigration Studies, 2001); Ramiro Martinez, Jr. and Matthew T. Lee, "On Immigration and Crime," in *The Nature of Crime: Continuity and Change*, ed., G. LaFree (Washington, DC: Office of Justice Programs, U.S. Department of Justice, 2000), 1:485-524; and Lesley Williams Reid, Harald E. Weiss, Robert M. Adelman, and Charles Jaret, "The Immigration-Crime Relationship: Evidence across US Metropolitan Areas," *Social Science Research* 34 (2005): 757-780.

against the entry of miscreants. This part of the chapter discusses the relationship between these security issues and immigration for the U.S. by providing background and historical information on them, specifying the link between crime, espionage, and terrorism and American security, and then identifying the types as well as historical examples of U.S. immigration policies designed to protect against these domestic security threats.

Historical and Background Information on Immigrants and Crime (including Drug Smuggling), Spying, and Terrorism in the U.S.

The majority of immigrants who come to the U.S become law abiding citizens, but as this section discusses, a small percentage of them are responsible for a few of the worst criminal, spying, and terrorist acts in American history. Such incidents, as discussed later, have led leaders to form immigration policies to protect against the entrance of malvolents.

Crime and Drugs: Crime is a socially constructed phenomenon that occurs when a person breaks the rules or laws stipulated by a governing authority. Many misfeant deeds are considered criminal by U.S. state and federal governments, such as arson, burglary, corruption, extortion, homicide, larceny-theft, motor vehicle theft, and the provision of illicit services (e.g., gambling operations, protection rackets, loansharking, and prostitution) and goods (e.g., illegal drugs like marijuana, pornography, and stolen guns and goods).⁵²⁰ Crime is an expensive and deadly security problem for the U.S., with, for example, over 13,500 murders, more than 805,000 aggravated assaults, around 88,000 forcible rapes, approximately 408,000 robberies, an estimated 2.2 million burglaries, and 6.3 million larceny-thefts

⁵²⁰ On the types of crime in the U.S., see, for example, The Federal Bureau of Investigation, Uniform Crime Reports, available at, <http://www.fbi.gov/about-us/cjis/ucr/ucr>, accessed July 3, 2011; Michael D. Lyman and Gary W. Potter, *Organized Crime*, 2nd ed. (Upper Saddle River, NJ: Prentice Hall, 2000), 9-11; and Patrick J. Ryan, *Organized Crime: A Reference Handbook* (Santa Barbara, CA: ABC-CLIO, 1995), 10-20.

occurring in the country during 2009.⁵²¹ It is estimated that just organized crime costs the American taxpayer around \$500 billion per year.⁵²²

A portion of immigrants commit criminal acts, including some of the most infamous and deadly crimes in American history. For example, the Department of Homeland Security estimates that the foreign-born make up around twenty percent of the inmates in U.S. prisons and jails (as a point of reference, those born in other countries constitute approximately fifteen percent of the U.S. adult population); and fifty seven percent of the most wanted fugitive murders by the FBI in 2009 were foreign-born.⁵²³ To give just a few historical instances of immigrant crime in U.S. history, consider that during the late nineteenth and early twentieth centuries, Irish immigrants played a large role in organized crime (gambling rackets, labor racketeering, and political bribery) in cities such as Chicago; and the Italian mafia, often parodied in movies, became key players in vice products during Prohibition as well as other areas of organized crime during the twentieth century.⁵²⁴ And many of the most infamous criminals of the past hundred years were immigrants or recent descendants of immigrants, such as Al Capone, Sam Giancana, Joe "the Boss" Masseria, Charles "Lucky" Luciano, Benjamin "Bugsy" Siegel, Vito Genovese, Joseph Colombo, Carlo Gambino, Paul Castellano, John Gotti, Pablo Escobar.⁵²⁵ Consequently, U.S. leaders have motivation and reason to form immigration policies to protect against the entrance of criminals.

Espionage: Espionage refers to "the use of spies by a government to discover

⁵²¹ These statistics are culled from the Federal Bureau of Investigation, Uniform Crime Reports.

⁵²² Ryan, *Organized Crime*, 3. Part of crime also includes illegal drugs, described as the "largest, most successful growth industry in the American economy today," with people in the U.S. estimated to be spending \$100 billion per year on them. *Ibid.*, 9.

⁵²³ Camarota and Vaughan, "Immigration and Crime," 1-2.

⁵²⁴ For a history of organized crime in the U.S. that emphasizes immigrant involvement see Lyman and Potter, *Organized Crime*, 97-138.

⁵²⁵ For sketches of these criminals, *Ibid.*, 115-138.

the military and political secrets of other nations."⁵²⁶ Spying is an ancient trade, so dubbed the "second oldest profession" of mankind, with, for example, the Bible telling of Moses sending a dozen spies to Canan, and Alfred the Great, the ninth century English King, famously disguising himself as a bard to learn more about his Danish enemy.⁵²⁷ In the modern era, spying has been increasingly employed by governments to "become one of the twentieth century's biggest growth industries, expanding so rapidly as to be virtually out of control."⁵²⁸ Britain created the first state government intelligence agency in 1909, and it was quickly followed by Germany in 1913, Russia in 1917, France in 1935, and the U.S. in 1947, and today, even most third world countries have espionage capabilities.⁵²⁹ And although intelligence agencies by nature are secretive, it is thought that the CIA spends at least \$30 billion a year and employs 150,000 people and British intelligence agencies spend at least \$750 million per annum and employ 30,000 people.⁵³⁰

The U.S. has contended with foreign espionage from its beginnings, with, for example, Britain using loyalists (those who remained aligned with the Crown) disguised as "Americans" to gather intelligence to assist with attacks on Washington's army during the Revolutionary

⁵²⁶ A spy is "a person employed by a government to obtain secret information or intelligence about another, usually hostile, country, especially with reference to military or naval affairs." The definitions are from, <http://dictionary.reference.com/browse/spy>; and <http://dictionary.reference.com/browse/espionage>, accessed July 9, 2011. For the purposes of this study, it is important to note that spies (who can be "disguised" as immigrants) can also be used by the corporations or governments of a country to steal trade secrets from the agencies or companies of a foreign nation (commonly referred to as industrial espionage). On espionage and spying, see Phillip Knightley, *The Second Oldest Profession: Spies and Spying in the Twentieth Century*, rev. ed. (London: Pimlico, 2003 [1986]). For more on espionage see, for example, Christopher Andrew, "Governments and Secret Services: A Historical Perspective," *International Journal* 34 (1979); Christopher Dobson and Ronald Payne, *The Dictionary of Espionage* (London: Harrap, 1984); Constantine Fitzgibbon, *Secret Intelligence in the 20th Century* (London: Granada, 1978); and R.J. Jeffreys-Jones, *American Espionage* (New York: The Free Press, 1977).

⁵²⁷ Knightley, *Second Oldest Profession*, 1.

⁵²⁸ *Ibid.*, 2.

⁵²⁹ *Ibid.*, 1-2.

⁵³⁰ *Ibid.*, 2-3.

War.⁵³¹ Espionage against the U.S., however, has increased over the past century compared to the previous one, as the country has assumed a prominent role in the international system. For example, the infamous Duquesne Spy Ring during WWII involved over thirty German agents (later caught by the F.B.I. and jailed) gaining employment in the U.S. to gather sensitive information.⁵³² Similarly, the Soviets, as declassified documents are increasingly revealing, engaged in widespread industrial and military spying against the U.S. during the Cold War, which led the Defense Department to conclude during the conflict that, "the damage to national security from espionage, technology theft, and electronic surveillance amounts to a to a staggering loss of S&T [scientific and technological] information."⁵³³ And espionage remains a major threat to U.S. security since the fall of the Soviet Union, with the F.B.I. listing espionage as its second priority behind only terrorism.⁵³⁴ Consequently, U.S. leaders have motivation to form immigration policies to prevent the entrance of foreign spies.

Terrorism: A universally accepted definition of terrorism is debated amongst scholars, but it broadly entails "the use of violence and threats to intimidate or coerce, especially for political purposes."⁵³⁵ Types of terrorism include armed attacks, arsons, assassinations, bombings (in places such as markets, public transportation, stores, and symbolic buildings),

⁵³¹ Roger Kaplan, "The Hidden War: British Intelligence Operations during the American Revolution," *The William and Mary Quarterly* 47 (January 1990): 115-138.

⁵³² William Breuer, *The Spy who Spent the War in Bed: And other Bizarre Tales from World War II* (Hoboken, NJ: Wiley, 2003).

⁵³³ See Katherine A.S. Sibley, *Red Spies in America: Stolen Secrets and the Dawn of the Cold War* (Lawrence, KS: University Press of Kansas, 2004), quote on 222.

⁵³⁴ *Ibid.*, 1, 221, 233-240.

⁵³⁵ This definition is from, <http://dictionary.reference.com/browse/terrorism>, accessed July 14, 2011. The U.S. State Department defines terrorism as "the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological." Quoted in <http://www.terrorism-research.com/>, accessed July 14, 2001. On the difficulty of defining terrorism, see, for example, Alex Conte, *Security in the 21st Century: The United Nations, Afghanistan and Iraq* (Burlington, VT: Ashgate, 2005), 11-13; and Roland Dannreuther, *International Security: The Contemporary Agenda* (Cambridge, UK: Polity Press, 2007), 167-169.

hostage-taking, and kidnappings.⁵³⁶ The modern use of the word terrorism stems from the French Revolution in the late eighteenth century, and although awareness of the phenomenon has magnified since 9/11, terrorist attacks have existed since ancient times, with, for example, the Zealot sect in the Middle East attempting to subdue their Roman enemy during the first century with assassinations (commonly done by a dagger to the throat.)⁵³⁷ Evidence, however, indicates that terrorism is increasing in quantity and devastation in recent years, exemplified in that around 180 worldwide suicide attacks occurred per annum during the 2001-2005 period, up from just sixteen such attacks on average per year for the 1991-2000 period.⁵³⁸ And many analysts fear that unlike earlier periods terrorists may now be able to cause widespread destruction by obtaining and using weapons of mass destruction.⁵³⁹

Terrorism has been a security problem for the U.S. since its founding.⁵⁴⁰ Some evidence suggests, for example, that Britain during the Revolutionary War deliberately spread smallpox amongst George Washington's army; and pirates from the Barbary states during the early Republic robbed and kidnapped crew members on American vessels en route to south European markets.⁵⁴¹ Terrorism remained prevalent in the U.S. during the nineteenth

⁵³⁶ See <http://www.terrorism-research.com/incidents/>, accessed July 14, 2011.

⁵³⁷ Conte, *Security in the 21st Century*, 9; and Gerard Chaliand and Arnaud Blin, "Zealots and Assassins," in *History of Terrorism: From Antiquity to Al Qaeda*, eds., idem and idem (Berkeley, CA: University of California Press, 2007), 55-58.

⁵³⁸ Dannreuther, *International Security*, 170.

⁵³⁹ See, for example, Graham Allison, *Nuclear Terrorism: The Ultimate Preventable Catastrophe* (New York: Times/Henry Holt, 2004); and Cindy C. Combs, *Terrorism in the Twenty-First Century*, 3rd ed. (Upper Saddle River, NJ: Prentice Hall, 2003), 257-274.

⁵⁴⁰ On the history of terrorism in the U.S., see Combs, *Terrorism*, 159-183; Ted Robert Gurr, "Political Terrorism in the United States: Historical Antecedents and Contemporary Trends," in *The Politics of Terrorism*, ed., Michael Stohl (New York: Dekker, 1988); Lyman Towed Sargent, ed., *Extremism in America* (New York: New York University Press, 1995); and Brent L. Smith, *Terrorism in America: Pipe Bombs and Pipe Dreams* (Albany, NY: State University of New York Press, 1994).

⁵⁴¹ Robert J. Allison, *The Crescent Obscured: The United States and the Muslim World, 1776-1815* (New York, 1995); Samuel Flagg Bemis, *A Diplomatic History of the United States*, 5th ed. (New York: Holt, Rineholt, and Winston, 1965), 68; Elizabeth A. Fenn, "Biological Warfare in Eighteenth Century North America: Beyond Jeffery Amherst," *Journal of American History* 86 (March 2000): 1552-1580; R.W. Irwin, *The Diplomatic Relations of the United States with the Barbary Powers, 1776-1816* (Chapel Hill, NC, 1931); and Michael L. S. Kitzen, *Tripoli and the United States at War* (Jefferson, NC, 1993), 10-13.

century, with, for example, the Ku Klux Klan using bombings, lynching, and whippings to bring attention to their white supremacist creed; and during this period and especially throughout the first decades of the twentieth century, many anarchist groups, primarily consisting of immigrants espousing an anti-statist philosophy then popular in Europe, carried out numerous bombings and shootings throughout the U.S. to convey their message.⁵⁴²

Terrorism continues to constitute a security problem for the U.S. in recent decades, with far right and left groups such as the Earth Liberation Front, Animal Liberation Front, Aryan Nations, Christian Identity Movement, and the Montana Freeman resorting to violence to convey their messages.⁵⁴³ Numerous local or state militia groups are also active in the U.S., perhaps best exemplified by Timothy McVeigh, a militia member, bombing a federal building in Oklahoma City in April 1995 that resulted in 168 deaths.⁵⁴⁴ And, of course, terrorism on American soil took an even more deadly turn on September 11, 2001, with suicide bombers (all in America on immigrant visas) working for Al Qaeda taking the lives of around 3,000 people, thus illuminating the destruction that just a few terrorists posing as immigrants can generate.⁵⁴⁵ U.S. officials, therefore, have a strong incentive to devise immigration policies to protect against the entrance of terrorists.⁵⁴⁶

⁵⁴² On the Klan, Combs, *Terrorism*, 161-162. On anarchist groups, see, for example, Paul Avrich, *Sacco and Vanzetti: The Anarchist Background* (Princeton, N.J.: Princeton University Press, 1991); Corinne Jacker, *The Black Flag of Anarchy: Antistatism in the United States* (New York: Charles Scribner's Sons, 1968); Lemay, *Guarding the Gates*, 88, 103, 106-107; James J. Martin, *Men Against the State: The Expositors of Individualist Anarchism in America, 1827-1908* (DeKalb, IL: The Adrian Allen Associates, 1953); and William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933* (Cambridge, Mass: Harvard University Press, 1963).

⁵⁴³ Combs, *Terrorism*, 163-172.

⁵⁴⁴ *Ibid.*, 167.

⁵⁴⁵ In addition, a study by the Center for Immigration Studies found that all forty-eight of the terrorists convicted of acts of violence against the United States since 1993 entered the country *legally*. See Otis L. Graham Jr., *Unguarded Gates: A History of America's Immigration Crisis* (Lanham, M.D.: Rowman & Littlefield Publishers, Inc., 2004), 65. Approximately 550 million people enter the country every year, roughly twice the size of its national population, and border inspectors, according to one calculation, will have to make 1.3 billion correct decisions per annum to keep terrorists out of the country. A single blunder can be catastrophic: the frightening scenario of how a terrorist can "sneak" a weapon of mass destruction into the United States has been told many times by security analysts. A National Intelligence Estimate in fact suggests that the United States is more likely to be attacked with

Crime (including drugs), Espionage, and Terrorism and U.S. Security

Crime, espionage, and terrorism, as the previous discussion and examples illustrate, endanger U.S. security in a number of ways, primarily through their affect on citizen health and the economic and military strength of the country. This section elucidates the security threat to states from these domestic security threats to emphasize the incentive for U.S. leaders to devise immigration policies to prevent the entrance of miscreants.⁵⁴⁷

Citizen Health: Citizens are harmed in a number of ways by crime, espionage, and terrorism. For one, constituents are physical victims of these occurrences, with possible consequences to human health ranging from bodily harm to death. Second, citizens are psychological victims of crime, spying, and terrorism, with possible consequences to human health ranging from anxiety and functional limitation to hospitalization for mental conditions. And third, citizens may become dependent on illegal drugs peddled by criminals, which can limit their functional ability, predispose them to violence, and cause mental illness.

Economic and Material Strength: Crime, spying, and terrorism are costly for the U.S. in a number of ways and detract from resources that could be used for national security. For one, organized crime results in uncollected tax revenue.⁵⁴⁸ Second, crime and terrorism require expenses for police forces as well as the prosecution and imprisonment of those convicted. Third, criminals may corrupt public officials, thereby causing an inefficient use of tax money. Fourth, criminal or terrorist attacks, especially large-scale ones such as the ones

weapons of mass destruction in this way than by conventional weapons systems. See Allison, *Nuclear Terrorism*; Rudolph, "Globalization and Security," 28-29; and Zolberg, *A Nation by Design*, 442.

⁵⁴⁶ As Alexander Moens and Martin Collacott explain, "While immigrants can make significant contributions to their new countries, the possibility that they may use the host country as a place for recruitment, fund-raising, and a staging ground for terrorist attacks abroad or in the host country, poses a clear and present danger." Idem and idem, "Introduction," in *Immigration Policy and the Terrorist Threat*, eds., idem and idem, ix.

⁵⁴⁷ Parts of this section are drawn from, Lyman and Potter, *Organized Crime*, 6; and Ryan, *Organized Crime*, 7-10.

⁵⁴⁸ One estimate places the amount at \$37 billion per year. Lyman and Potter, *Organized Crime*, 6.

on the World Trade Center, can cost billions of dollars in destruction. Fifth, crime, espionage, and terrorism can destroy business property and generate psychological anxiety amongst citizens, thereby disrupting economic activity. Sixth, economic and government espionage can result in U.S. agencies or companies losing their competitive edge and ability to derive maximum efficiency and revenue. And seventh, organized crime can create monopolies and market inefficiencies.

Military and Police Strength: Crime, espionage, and terrorism, in addition to draining financial resources which can be used for national security, can also directly limit the ability of U.S. military and police forces to protect citizens. For one, industrial and military spying against the U.S. can result in the loss of sensitive information that may cause American military and police forces to lose their competitive advantage on the battlefield and domestic home front. Second, the policing of crime, spying, and terrorism can preoccupy American manpower that could be used in other areas of national defense. And third, criminal and terrorist attacks that destroy important American industrial or military infrastructure can limit U.S. defense capabilities.

Thus, as this section details, American officials have security incentives to devise immigration measures preventing the entry of criminals, spies, and terrorists.

Criminals, Spies, and Terrorists and U.S. Immigration Policies

Colonial and later state and federal leaders have devised legislation for over three hundred years to prevent the entrance of foreign criminals, spies, and terrorists. Officials have generally referred to these classes of people within laws as “anarchists,” “criminals,” and “subversives.” The primary method that they have used to prevent their entrance are stipulations within laws that exclude them from entering the country.

Stipulations within Laws Preventing the Entrance of Criminals, Spies, and Terrorists

The main method used by colonial, state, and federal leaders through U.S. history to protect against immigrant criminals has been to pass laws banning their entrance.

Colonial: During the colonial period, Britain sought to bolster its homeland security by transporting criminals in England to its American colonies.⁵⁴⁹ This prompted outrage amongst colonial members, whose leaders in turn created laws preventing the entry of criminals, even though such legislation was in conflict with British law.⁵⁵⁰

The comments by colonial leaders regarding immigrant criminals indicate the security reasons why they formed this legislation. For example, Virginia passed an immigration law in 1670 excluding criminals because "the peace of this colony be too much hazarded and endangered by the great numbers of felons and other desperate villains sent hither from the several prisons in England" and for the "prevention and avoiding the danger which apparently threatens us, from the barbarous designs and felonious practices of such wicked villains."⁵⁵¹ Delaware passed related legislation in 1740 because malvolents from abroad "do often commit many felonies, robberies, thefts and burglaries, to the real hurt of his Majesty's subjects."⁵⁵² And Benjamin Franklin wrote a petition on behalf of Pennsylvania to the British Parliament requesting that it cease the practice of sending criminals to the colonies because they "commit many burglaries, robberies, and murders, to the great terror of the people."⁵⁵³

⁵⁴⁹ On this practice, see, for example, A. Roger Ekirch, *Bound for America: The Transportation of British Convicts to the Colonies, 1718-1775* (New York: Oxford University Press, 1987); Bernard Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York, 1986), 260-262, 292-295; John Duncan Brite, "The Attitude of European States toward Emigration to the American Colonies and the United States 1607-1820," unpub. Ph.D. diss. (University of Chicago, 1937) 265-287; and Zolberg, *Nation by Design*, 26, 35-36.

⁵⁵⁰ See the note in Abbott, ed., *Immigration Problem*, 542n.

⁵⁵¹ Virginia general court, April 20, 1670, extracted in *Immigration Problem*, ed., Abbott, 542.

⁵⁵² "An Act Imposing a Duty on Persons Convicted of Heinous Crimes and to Prevent Poor and Impotent Persons Being Imported," Laws of the State of Delaware, 1740, extracted in *Immigration Problem*, ed., Abbott, 545.

⁵⁵³ "Franklin's petition to the British Parliament against the transportation of felons to America (1767 or 1768)," extracted in *Immigration Problem*, ed., Abbott, 544.

State Laws: Britain as well as other European states continued to send convicts to America after it earned independence, which prompted the states to pass legislation prohibiting the entrance of criminals.⁵⁵⁴ Many of them (Georgia, Pennsylvania, Massachusetts, South Carolina, and Virginia) did so during the first decades of the new nation, with Massachusetts also including a stipulation fining anyone 100 pounds who assisted a criminal with entry and Georgia ordering foreign malefactors who gained entry removed from the state.⁵⁵⁵ And the states that had not passed legislation during the early Republic (Maine, Maryland, New Jersey, New York, and Rhode Island) did so during the nineteenth century.⁵⁵⁶

The comments by state officials regarding laws banning the entrance of criminals indicates that they created them for security reasons. For example, reflective of this sentiment, the New York City Mayor wrote a letter to his city's councilmen as well as a similar one to the President urging them to take measures to prevent foreign criminals from entering the country's borders. It read,

It has long been the practice of many Governments on the continent of Europe, to get rid of convicts and paupers by sending them to this country, and most generally to this port. The increase of crime here can be traced to this cause rather than to defect in the criminal laws or their administration. An examination of the criminal and pauper records, shows conclusively that it is but a small proportion of these unfortunates who are natives of this country. One of the very heaviest burdens we bear is the support of these people, even when considering the direct cost; but when estimating the evil influences upon society, and the contaminating effect upon all who come within the range of their depraved minds, it becomes a matter exceedingly serious, and demanding immediate and complete eradication. I know of no subject of more importance; certainly we have the power to protect this city against the landing of so vile an addition to our population; the health, as well as the life and property of the people for whom you legislate, requires some action at your hands.⁵⁵⁷

⁵⁵⁴ Brite, "Attitude of European States," 265-287; Ekirch, "Great Britain's Secret Convict Trade to America, 1783-1784," *The American Historical Review* 89 (December 1984): 1285-1291; and Neuman, "Lost Century of American Immigration Law," 1843.

⁵⁵⁵ Hutchinson, *Legislative History*, 401; and Neuman, "Lost Century of American Immigration Law," 1842.

⁵⁵⁶ Neuman, "Lost Century of American Immigration Law," 1843.

⁵⁵⁷ The letter was read by Senator James Cooper, January 25, 1855, in *Congressional Globe*, 33rd Congress, 2nd Session (Washington, DC: Government Printing Office, 1855), 390. Cooper's speech is also extracted in *Immigration Problem*, ed., Abbott, 603-604.

Federal Measures: The federal government for approximately the first hundred years of the nation left immigration largely under the jurisdiction of the states, but preventing criminals from entering borders was on its radar. For example, the Confederation Congress adopted a resolution on September 16, 1788 that stated, "Resolved That it be and it is hereby recommended to the several states to pass proper laws for preventing the transportation of convicted malefactors from foreign countries into the United States," which was heeded by many of the states.⁵⁵⁸ Congress also debated resolutions and published reports on crime and immigration during the nineteenth century, with, for example, a Senator during one of these sessions explaining that, "While our sea-ports and the gates of our cities and towns have been closed against the contagion of disease, they have been opened wide to admit the more fatal contagion which is flowing upon us, in the shape of pauperism and crime, from the prisons and lazar-houses of Europe."⁵⁵⁹ He declared that, "the public peace and security are likewise endangered by" foreign criminals and it is "the inherent right of every community to protect itself against the contagion of vice and crime."⁵⁶⁰

Following a series of hearings on the association between crime and immigration, the federal government enacted immigration legislation (the Immigration Act of 1875) for the first time in the nation's history in large part because of crime committed by foreigners. It prohibited entry to "persons who are undergoing a sentence for conviction in their own country of felonious crimes...or whose sentence has been remitted on condition of their emigration."⁵⁶¹ This stipulation proscribing the entrance of criminals has subsequently been

⁵⁵⁸ *Journals of the Continental Congress, 1774-1789*, ed. Worthington C. Ford et al. (Washington, D.C., 1904-37), 34:528.

⁵⁵⁹ For a summary of these reports, see Hutchinson, *Legislative History*, 406-407. Senator James Cooper, January 25, 1855, in *Immigration Problem*, ed., Abbott, 602.

⁵⁶⁰ *Ibid.*, 602, 604.

⁵⁶¹ Immigration Act of March 3, 1875, 18 Stat. 447, Section 5.

included in every major piece of immigration legislation.⁵⁶² Leaders have revised the proviso within immigration legislation over time to include a greater number of crimes committed by foreigners that bars them from entry, such as those related to murder, rape, sexual abuse of a minor, money laundering, child pornography, racketeering, gaming offenses, human trafficking, espionage, sabotage, drugs and firearm sales, or treason.⁵⁶³

In addition to laws preventing the entrance of criminals, the federal government has also passed legislation banning entry to anarchists and narcotic dealers. This proviso regarding anarchist exclusion stemmed from the assassination of President McKinley on September 6, 1901 by an anarchist, which prompted Theodore Roosevelt, his successor, to urge Congress to pass legislation prohibiting entry to “anarchists or persons professing principle hostile to all government....They and those like them should be kept out of this country.”⁵⁶⁴ The 1903 Immigration Act was soon after enacted and proscribed admittance to “anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials.”⁵⁶⁵ Such provisions banning admittance to anarchists have since been included in every major immigration law to the present day.⁵⁶⁶ And similar to the provisos regarding anarchists, the federal government began with the Immigration and Nationality Act of 1952 excluding anyone involved in the “illicit traffic in narcotic drugs” or connected with the sale of drugs such as “opium, coca leaves, heroin, marihuana,” which is

⁵⁶² Hutchinson, *Legislative History*, 407-410.

⁵⁶³ Michael John Garcia, Congressional Research Service, Report for Congress, “Immigration Consequences of Criminal Activity,” December 12, 2006, 4-6.

⁵⁶⁴ Quoted in Hutchinson, *Legislative History*, 127.

⁵⁶⁵ Immigration Act of March 3, 1903, 32 Stat. 1213, Section 2.

⁵⁶⁶ Hutchinson, *Legislative History*, 423-427.

also a provision that has since been included in major immigration laws including those upon which the U.S. immigration system rests today.⁵⁶⁷

Deportation

Deportation is an ancient practice that refers to the "expulsion of an undesired alien or other person from a state."⁵⁶⁸ It "is an instrument of immigration policy, not a policy in itself" and it serves as "a means of implementing a policy of selecting those allowed to become and remain residents of the United States."⁵⁶⁹ American officials use deportation to remove immigrants who gain entry through a mistake in the admittance system, evaded or manipulated the immigration process to enter illegally, or since gaining admission committed an action (such as a crime) that places them in an excludable category.⁵⁷⁰

Deportation is a practice that has existed in America since the colonial period (often referred to as banishment prior to the twentieth century), but the expense of removing someone across the Atlantic during this era rendered it a practice that "rarely took place if at all" prior to the twenty-first century.⁵⁷¹ The Immigration Act of 1917 provided the first robust federal stipulations for the regular use of deportation, such as funds for its enforcement and a deportability period of five years after entry (unlimited for some classes of people).⁵⁷² One of the excludable classes was for anarchists, including those who were "found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the

⁵⁶⁷ Immigration and Nationality Act of June 27, 1952, 182 Stat. 66, Section 212(a)(5)(23). See also discussion in Hutchinson, *Legislative History*, 434.

⁵⁶⁸ The definition is from, <http://dictionary.reference.com/browse/deportation>, accessed July 26, 2011.

⁵⁶⁹ Hutchinson, *Legislative History*, 443.

⁵⁷⁰ *Ibid*, 443.

⁵⁷¹ Mae Ngai, "The Strange Career of the Illegal Alien: Immigration Restriction and Deportation Policy in the United States, 1921-1965," *Law and History Review* 21 (Spring 2003): 72-73, quote at 73.

⁵⁷² Hutchinson, *Legislative History*, 444-445; and Ngai, "Strange Career of the Illegal Alien," 74.

overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials...."⁵⁷³ Anarchists have been stipulated as deportable ever since within immigration legislation, though the types of activities classified as subversive have been expanded over time.⁵⁷⁴ Similarly, immigrants involved with narcotic drug trafficking became subject to deportation by the Act of May 26, 1922 (42 Stat. 596). The classes of people deportable related to drugs have also expanded over time to be included in subsequent legislation.⁵⁷⁵

SUMMARY:

This chapter detailed that leaders have security motivations, such as safeguarding the lives of citizens and immigrants, for formulating measures that prevent the entry of those (1) carrying dangerous contagious disease, (2) large numbers of new ethnic groups, and (3) criminals, spies, and terrorists. It also outlined the types of immigration policies that U.S. officials have used to attempt to inhibit the entry of these classes of people, which include banning or restricting their entry, deportation, isolation and quarantine, special presidential measures, and the recolonization of ethnic groups. And it also found by examining primary and secondary sources related to historical cases of these types of policies to find that contrary to extant studies in the area that domestic security factors have played a much larger role in the formation of U.S. immigration policies than commonly thought.

⁵⁷³ Quoted in Hutchinson, *Legislative History*, 445.

⁵⁷⁴ Hutchinson, *Legislative History*, 445-446.

⁵⁷⁵ Hutchinson, *Legislative History*, 453.

Conclusions

This chapter summarizes the findings of the dissertation, discusses the significance of them for the American Political Development, International Relations, and Immigration Studies disciplines as well as for the History field, and concludes with a few broad policy implications and suggestions based on them.

Summary of Findings

This dissertation found that for over three hundred years colonial and later U.S. leaders attempted to reach security goals with immigration policies. It outlined three general categories of security objectives that American leaders have sought with immigration from the eighteenth century to the present-day: (1) domestic security (prevent crime, espionage, and terrorism; epidemics; and ethnic violence); (2) foreign relations; and (3) material and military interests. For each of these categories, the dissertation drew from International Relations (IR) and security studies theories and primary and secondary sources to specify the relationships amongst the security area and immigration, identify policy instruments used by leaders to influence immigration for security, and provide a large body of cases of historical U.S. immigration policies designed for security purposes. It presented more than fifty qualitative cases related to security and U.S. immigration policy that may be useful for scholars and policymakers.

The first chapter began by discussing the importance of studying security and U.S. immigration policy, notably because of rising levels of authorized and unauthorized immigration to America, increased policy activity in the area, and the lack of guides detailing the relationship between security and immigration for the United States. It then described common frameworks (e.g., economic models) of the policy area and their limitations as well

as existing research on security and U.S. immigration and its limitations. It identified that there are virtually no studies that examine security and U.S. immigration policy across American history, analyze *all* of the security areas associated with American immigration, and present case studies using primary source material. It concluded by presenting a methodology to address these gaps in the literature and provide a strong conceptual and empirical overview of security and U.S. immigration policy, notably by specifying a way to examine the primary categories of security objectives that American officials have historically attempted to reach with immigration policy.

The body of the dissertation (chapters 2-4) then carried out this methodology by focusing on the three main areas of security objectives (foreign relations, material and military interests, and domestic security) that U.S. leaders have sought with immigration. The second chapter of the dissertation showed that U.S. leaders have repeatedly used immigration policy for foreign policy purposes. It reviewed over two hundred years of U.S. history to illustrate that American leaders have attempted to reach four primary foreign policy objectives with immigration policy, which are related to (1) fostering or improving relations with other nations, (2) punishing adversary states, (3) bargaining with foreign states, and (4) seizing foreign assets and territory. It discovered that U.S. leaders have used many policy instruments through time to try to reach these objectives, such as those related to "main gate" immigration laws, refugee legislation, and diplomatic agreements, to name but a few of them. The chapter also drew from primary source evidence such as private letters, legal statutes, public speeches as well secondary work by historians in the area to describe twenty historical instances of American officials designing immigration policies to serve foreign policy ends, such as U.S. policymakers excluding western hemisphere countries from the restrictive 1920s Quota laws to promote its "Good Neighbor" foreign policy and U.S. leaders during the Cold War accepting refugees from Communist countries to strike an

ideological blow against the Soviet Union. The chapter thus revealed that foreign policy considerations have permeated throughout U.S. immigration policy decisions and that American officials have employed a diverse set of policy tools to reach these objectives.

The third chapter of the dissertation showed that American leaders have also repeatedly used immigration for material and military purposes. It first used research and theories in the demography, IR, and security studies subfields to reveal that American leaders have a strong incentive to use immigration to manipulate the size and skill level of the U.S. population and labor force for security purposes, notably because these demographic areas serve as principal building blocks of a state's material and military power. The chapter then reviewed American migration policy events spanning from the colonial period to the present day to show that U.S. leaders have tried to reach three broad material and military objectives with immigration policy, which are related to policies to attract manpower during war, recruit skilled immigrants to assist with advanced technologies required for sophisticated economies and militaries, and increase population size to provide people to secure territory and serve as soldiers and workers. It found that U.S. leaders through time have used a large number of policy instruments and methods to reach these objectives, such as exempting skilled immigrants from restrictive legislation, allocating a percentage of visas made available under immigration legislation to those with special skills, "one-time" laws that allow the entrance of skilled immigrants, an "open-door" federal immigration policy, overseas immigrant recruiting campaigns, and temporary foreign worker programs. The chapter also drew from primary evidence such as government documents, private letters, legal statutes, and public speeches as well work by historians to present seventeen historical instances of American immigration policies designed to serve material and military objectives, such as U.S. leaders inviting immigrants during the Civil War, WWI, WWII, and Korean War to serve as soldiers and assist with the domestic war effort and American leaders seeking high-skilled

immigrants during the Cold War to help with assembling advanced weaponry. The chapter found that contrary to extant literature in the area that material and military factors have played a large role in U.S. immigration policy.

The fourth chapter of the dissertation detailed that American leaders have also repeatedly devised immigration policies to protect against "domestic" security risks. It drew from the Security Studies and IR literatures as well as work in other fields such as the Criminology, History, Medical, Psychology, and Sociology disciplines to detail potential domestic security risks from immigration, including those related to crime and drugs, epidemic disease, ethnic violence, spying, and terrorism. The chapter then reviewed over three hundred years of American history to show that U.S. leaders have attempted to reach three broad domestic security objectives with immigration policy to safeguard citizens and immigrants, notably ones related to preventing entry of (1) those carrying dangerous contagious disease, (2) large numbers of new ethnic groups (to reduce the likelihood of ethnic violence), and (3) criminals, spies, and terrorists. It then outlined the types of immigration policies that U.S. officials have used to inhibit entry of these classes of people, which include banning or restricting their entry, deportation, isolation and quarantine, special presidential measures, and the recolonization of ethnic groups. The chapter also drew from primary evidence such as private letters, legal statutes, and public speeches as well as works by historians to present fourteen historical instances of American immigration policy designed to serve domestic security objectives, such as colonial, state, and federal officials passing laws proscribing entry to those carrying contagious disease and American leaders preventing entry of large numbers of new identity groups to prevent ethnic violence. The chapter found that U.S. leaders have repeatedly devised immigration policies from the seventeenth century to the present-day to protect against domestic security threats.

Implications for the American Political Development, History, International Relations, and Immigration Studies Fields

The findings of this dissertation have implications for the History field, the American Political Development (APD) and IR subfields within the Political Science discipline, and the interdisciplinary Immigration Studies field.

U.S. Immigration Policy History

The history of immigration to the U.S. is a well-studied area, but the history of American immigration *policy* has received comparatively little attention. Given the contemporary prevalence of international migration, further studies on the history of the policy area are needed to assist policy makers and scholars. This dissertation has helped with this task by examining primary documents from the colonial period to the present-day to detail how security has factored into a large number of American immigration policy events, including colonial immigration laws, the "open-door" policy set by the founders during the early republic, the Chinese Exclusion Act of 1882, the 1920s Quota Acts, the Immigration Act of 1952, the Immigration Act of 1965, and the Immigration Act of 1990. The findings in this dissertation, notably that security considerations have permeated throughout leaders' decisions in the policy area, emphasize the importance of considering geopolitical and security factors when analyzing U.S. immigration policy history.

American Political Development

The findings within this dissertation corroborate recent work by Ira Katznelson and Martin Shefter in the American Political Development subfield that forces stemming outside of borders have a significant affect on U.S. domestic policies. Most studies on American political development focus on the effect of domestic factors such as economics, ideas, and institutions on policy formation, but this dissertation illustrates that geopolitical variables are

crucial to understanding American immigration policy.⁵⁷⁶ This suggests that international factors have been more instrumental in the U.S. "domestic" political experience than commonly recognized, and that other policy areas and events throughout American history can be profitably explored by paying attention to global variables.

International Relations and Security Studies

The findings within this dissertation also have implications for the IR and security studies subfields. For one, since nation-states are subject to similar forces within the international system, the findings within this dissertation (notably in regard to the ways in which foreign policy, material and military, and domestic security objectives have factored into U.S. immigration policy) can be applied to other nation-states to examine their policy behavior in regard to immigration. Second, the research within this dissertation falls under the rubric of nontraditional security issues, such as pandemics, global warming, etc., and it has shown that security considerations have factored prominently in a policy area typically considered a "domestic" area, which suggests that it may be profitable to apply a geopolitical lens to other policy areas not typically associated with security. Third, this dissertation explored the connection between domestic politics and international relations and detailed how forces emanating from the global system factored into a U.S. domestic policy, thus providing insight for those studying the domestic-international nexus. Fourth, and in regard to foreign policy, this dissertation detailed how U.S. foreign policy objectives have factored into over two hundred years of American immigration policy, thereby providing case studies that may be useful for those analyzing American foreign policy. Fifth, and in regard to

⁵⁷⁶ On neglect of the role of the international system in American political development, Ira Katznelson and Martin Shefter, eds., *Shaped by War and Trade: International Influences on American Political Development* (Princeton, NJ, 2002). On how the international system affects U.S. domestic policy, Gabriel Almond, "Review Article: The International-National Connection," *British Journal of Political Science* 19 (1989): 237-59; Peter Gourevitch, "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization* 32 (Autumn 1978): 881-911; and Katznelson and Shefter, eds., *Shaped by War and Trade*.

national resource mobilization, this dissertation showed that the U.S. has at times has gone to great lengths to use its immigration policy to assist with material and military production, thus suggesting that it may be profitable for scholars in the security studies field to consider other ways that nation-states attempt to mobilize resources to remain competitive in the international system.

Immigration Studies:

Security, as mentioned earlier, is one of the least studied major components of immigration policy in the immigration studies field. The findings in this dissertation, however, reveal that domestic and foreign security considerations have permeated throughout American immigration policy decisions for over three centuries. Further work in this area is in order to more clearly tease out the relationships amongst security variables and U.S. immigration policy—this dissertation has provided a conceptual and empirical foundation to assist with this task. Moreover, the findings in this dissertation regarding security and immigration are also likely applicable to nation-states other than the U.S., since states are subject to similar geopolitical forces within the international system—immigration scholars will thus likely find it profitable to apply the strategic logic of U.S. immigration policy detailed in this dissertation to other nation's immigration policies.

Policy Implications and Suggestions

A few broad policy implications and suggestions regarding contemporary U.S. immigration policy can be drawn from the historical patterns observed in this dissertation. For one, the research herein shows that American leaders have for over three centuries factored domestic security, material and military, and foreign policy objectives into immigration policies so these matters will likely remain important in immigration policy formation. Accordingly, the recent political debate within Congress regarding immigration

has often centered on domestic threats such as terrorism as well as the need for policies that attract skilled immigrants to keep the U.S. competitive in the international system.

Second, though further testing is required to determine if a relationship exists, U.S. leaders seem to more "aggressively" attempt to manipulate immigration for security ends when geopolitical threat is perceived as high. American leaders, for example, went to great lengths to import immigrant manpower during major wars, such as the Civil War, WWI, WWII, and the Korean War. In addition, U.S. leaders "irresponsibly" used refugee policy—one of the most humanitarian components of its immigration policy—during the Cold War to strike an ideological blow against the Soviet Union. American officials, therefore, may more aggressively use immigration policy for security ends in coming years if geopolitical threat is perceived as high, such as in the event of a protracted cold or large-scale hot war.

Third, and further examination is in order regarding this association as well, but we observed that American leaders as the U.S. rose to world prominence during the twentieth century increasingly concerned over devising an immigration policy that at least on the surface was equitable to most states in the world community to foster economic or foreign relations. The 1965 Immigration and Nationality Act, for example, attempted to more equally offer America's immigrant slots to people from all of the countries in the global community (opposed, for example, to discriminating against large regions as had been done under the Quota Acts) to serve Cold War foreign policy objectives. The contemporary leadership position of the U.S. in the international system coupled with the interconnectedness of the modern global community thus makes it likely that American leaders will attempt to if they comprehensively reform immigration policy—whether to a more liberal or restrictive policy orientation—devise policies that do not overtly discriminate against peoples or region.

Fourth, and in regard to human security, this dissertation reveals that the anarchic structure of the international system has a tendency at times to "pressure" national leaders

into forming immigration policies in the national interest opposed to ones that maximize the safety of citizens and immigrants. For example, leaders have incentive to form immigration policies that promote material and military strength so that their nations remain secure and compete in the international community, which is not always in the best interest of the security of citizens and immigrants. This helps explain why leaders of all backgrounds and ideologies through American history (Democrats, Republicans, etc.) have formed immigration policies that do not always optimize security for citizens *and* immigrants. Further research is in order regarding ways to "insulate" national leaders from geopolitical pressures that reward actions contrary to human security, such as international laws and institutions that bind world officials to humanitarian behavior and conduct in regard to immigration.

Fifth, the research in this dissertation also broadly illuminates policies that are primarily harmful to humankind, policies that have positives and negatives for human security, and policies that are likely beneficial to citizens and immigrants. For example, some immigration policies clearly abuse human rights, such as when U.S. leaders during the Cold War used refugees as "pawns" to carry out realpolitik foreign policy objectives. Other immigration policies, however, have negatives and positives for human security, such as when U.S. leaders prevent the entrance of large numbers of new ethnic groups in an attempt to stop domestic violence—on one hand, this measure may lessen ethnic violence on American soil, but on the other hand, it may prevent immigrants persecuted by their "home" countries from finding refuge. And still other immigration policies have clear benefits for citizens and immigrants, such as policies that responsibly screen and treat immigrants suffering with dangerous contagious diseases, since those who are sick receive medical care and do not infect citizens and other immigrants.

As this discussion alludes, American leaders are challenged in protecting citizens *and* immigrants because the policy choices that enhance human security are not always clear.

The "rub" with immigration policy for leaders is that a decision in one area may improve the security of one group of people at the expense of another group of people. For example, an immigration policy devised to reach a U.S. foreign policy objective may protect American lives from an external threat, but it may not be in the best interest of the safety of immigrants. Similarly, the U.S. may enhance border security to prevent entry of criminals or terrorists from harming Americans, but this may discourage or prevent an immigrant in the international community under severe hardship from attempting to come to the U.S.

This dissertation is not designed to give leaders specific recommendations regarding optimal policies for human security, but it does provide numerous case studies to assist researchers and leaders with security pros and cons of policies as well as point to areas for policy makers to take into consideration when devising contemporary policy. For example, U.S. immigration decisions made to serve U.S. foreign policy objectives can negatively affect the safety of foreign residents. And vice versa, U.S. immigration decisions made for "domestic" reasons (such as catering to the policy preferences of an interest-group) can place American citizens in danger by exposing the country to terrorism or epidemic disease or actions by foreign leaders displeased with the immigration decision. It is thus prudent for U.S. analysts and officials to take into account these types of considerations and others illuminated by the case studies presented in this dissertation prior to policy formation.

And recent trends and policy events indicate that immigration will remain an important policy area for U.S. leaders in coming years. As discussed in the introduction chapter, the volume of international migration has been increasing in recent decades and is perhaps likely to accelerate in coming years as technologies continue to facilitate and lower the cost of world travel; and authorized and unauthorized immigration to the U.S. has been steadily increasing in the postwar period. As a result of events associated with these trends, Congress attempted in 2005-2007 to comprehensively revamp the immigration system that has

largely been in place since 1965, and in the absence of federal reform, states such as Alabama and Arizona have been increasingly passing legislation to address perceived security risks of immigration. American leaders, as these recent events indicate, will thus likely continue face policy challenges involving security in regard to immigration—this dissertation has provided a conceptual and empirical foundation in this area to assist them and other analysts with forming policies sensitive to human security.

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